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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

15701-15750

FOODS

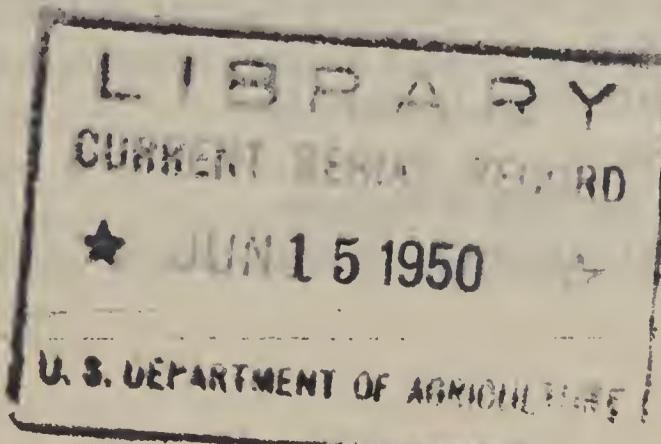
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., May 24, 1950.

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CANDY

15701. Adulteration of candy. U. S. v. Midwest Dairy Products Corp. and Robert S. Hannigan. Pleas of nolo contendere. Fine of \$800 against corporation and \$200 against individual. (F. D. C. No. 28173. Sample Nos. 46294-K, 46296-K.)

INFORMATION FILED: December 1, 1949, Western District of Tennessee, against the Midwest Dairy Products Corp., Memphis, Tenn., and Robert S. Hannigan, district manager of several plants of the corporation and supervisor of the Memphis plant.

ALLEGED SHIPMENT: On or about May 25, 1949, from the State of Tennessee into the State of Arkansas.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 20, 1949. Pleas of nolo contendere having been entered, the court imposed a fine of \$800 against the corporation and a fine of \$200 against the individual.

15702. Adulteration of candy. U. S. v. George Kanariotis, (Stark Candy Co.). Plea of guilty. Defendant fined \$750 and costs and placed on probation for 1 year. (F. D. C. No. 27544. Sample Nos. 47139-K, 47140-K, 47143-K.)

INFORMATION FILED: October 14, 1949, Northern District of Ohio, against George Kanariotis, trading as the Stark Candy Co., Canton, Ohio.

ALLEGED SHIPMENT: On or about April 20 and June 17, 1949, from the State of Ohio into the State of Pennsylvania.

LABEL, IN PART: (Portion) "White Turkish Delight Made of Pure Cane Sugar, Almonds and One Per Cent Corn Starch Made by Stark Candy Co. Canton, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of larvae, insect fragments, including fragments of flies, rodent hairs, rodent hair fragments, and cat hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 2, 1949. A plea of guilty having been entered, the court imposed a fine of \$750 and costs and placed the defendant on probation for 1 year.

15703. Adulteration of candy. U. S. v. Joy Candy Mfg. Corp. Plea of nolo contendere. Fine of \$1,300 and costs. (F. D. C. No. 27489. Sample Nos. 42119-K, 42124-K, 58683-K, 58687-K, 58688-K.)

INFORMATION FILED: August 4, 1949, Northern District of Illinois, against the Joy Candy Mfg. Corp., Chicago, Ill.

ALLEGED SHIPMENT: On or about March 3, 5, and 8, 1949, from the State of Illinois into the State of Indiana.

LABEL, IN PART: (Portion) "Pecan Cocktails" or "L Noug."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 17, 1950. A plea of nolo contendere having been entered, the defendant was fined \$1,300, plus costs.

15704. Adulteration of candy. U. S. v. Riggi Candy Co. Plea of guilty. Fine of \$2,400 and costs. (F. D. C. No. 28164. Sample Nos. 7722-K, 7935-K, 16985-K, 44749-K, 44750-K, 58682-K.)

INFORMATION FILED: October 27, 1949, Northern District of Illinois, against the Riggi Candy Co., a corporation, Chicago, Ill.

ALLEGED SHIPMENT: On or about February 11, 15, 16, 21, and 23, 1949, from the State of Illinois into the States of New York, Pennsylvania, Wisconsin, and Minnesota.

LABEL, IN PART: "Black Jelly Beans," "Riggi Chocolate Cherries," "Chocolate Pecan Treats," and "Chocolate Fruit and Nut Egg."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: January 27, 1950. A plea of guilty having been entered, the court imposed a fine of \$2,400, plus costs.

15705. Adulteration of candy. U. S. v. 9 Cases * * *. (F. D. C. No. 28280. Sample No. 63089-K.)

LIBEL FILED: November 8, 1949, District of New Hampshire.

ALLEGED SHIPMENT: On or about June 22, 1949, from Boston, Mass.

PRODUCT: 9 cases, each containing 48 half-pound boxes, of candy at Manchester, N. H.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 19, 1949. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

15706. Adulteration of ice cream cones. U. S. v. Woolwine Cone Co., Lafayette M. Woolwine, Sr., and Lafayette M. Woolwine, Jr. Pleas of nolo contendere. Fine of \$250 against company and \$50 against each individual. (F. D. C. No. 28177. Sample Nos. 60685-K, 60698-K.)

INFORMATION FILED: December 1, 1949, Western District of Tennessee, against the Woolwine Cone Co., a partnership, Memphis, Tenn., and Lafayette M. Woolwine, Sr., and Lafayette M. Woolwine, Jr., partners in the partnership.

ALLEGED SHIPMENT: On or about March 24 and April 5, 1949, from the State of Tennessee into the States of Mississippi and Arkansas.

LABEL, IN PART: (Portion) "Honey Comb Cake Cones."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, mites, larvae, and cat hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 6, 1949. Pleas of nolo contendere having been entered, the court imposed a fine of \$250 against the company and a fine of \$50 against each individual.

15707. Adulteration of pastry sticks and adulteration and misbranding of fruit cake. U. S. v. 12 Tins, etc. (F. D. C. No. 28240. Sample Nos. 11783-K, 11785-K.)

LIBEL FILED: October 28, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about September 15, 1949, by the Roll Biscuit Co., from New York, N. Y.

PRODUCT: 12 8-ounce tins of pastry sticks and 21 1-pound tins and 9 2-pound tins of fruit cake at West Hartford, Conn.

LABEL, IN PART: "Chocolate Cream Filled Pastry Sticks" and "Aunt Nancy's Rum and Brandy Fruit Cake."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (a), the designation "Rum and Brandy" appearing on the label of the fruit cake was false and misleading as applied to an article which contained little or no rum or brandy; and, Section 403 (k), the fruit cake contained artificial color and failed to bear labeling stating that fact.

DISPOSITION: January 11, 1950. Default decree of condemnation and destruction.

15708. Adulteration of fruit cake. U. S. v. 312 Cases * * *. (F. D. C. No. 28278. Sample No. 57423-K.)

LIBEL FILED: November 9, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about October 17, 1947, from Waco, Tex.

PRODUCT: 312 cases each containing 24 1-pound fruit cakes at Jersey City, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its rancid odor and taste. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 19, 1949. Default decree of condemnation and destruction.

FLOUR

Nos. 15709 to 15714 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination

was known, that fact is stated in the notice of judgment.) The flour reported in No. 15715 failed to meet the standard for enriched flour.

15709. Adulteration of self-rising flour and corn meal. U. S. v. Tell City Flouring Mills. Plea of guilty. Fine, \$500. (F. D. C. No. 28184. Sample Nos. 52163-K to 52165-K, incl., 52167-K.)

INFORMATION FILED: January 18, 1950, Southern District of Indiana, against the Tell City Flouring Mills, a corporation, Tell City, Ind.

ALLEGED SHIPMENT: On or about July 29 and August 4, 1949, from the State of Indiana into the State of Kentucky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of (in the flour) of larvae and insect fragments and (in the corn meal) larvae, insect fragments, rodent hair fragments, rodent excreta fragments, and a beetle; and, Section 402 (a) (4), the articles had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: February 7, 1950. A plea of guilty having been entered, the court imposed a fine of \$500.

15710. Adulteration of bromated flour. U. S. v. Russell-Miller Milling Co. and Herman Norman. Pleas of guilty. Fine of \$600 against company and \$50 against individual. (F. D. C. No. 28161. Sample No. 45312-K.)

INFORMATION FILED: October 10, 1949, District of North Dakota, against the Russell-Miller Milling Co., a corporation, Valley City, N. Dak., and Herman Norman, head miller of the company's Valley City mill.

ALLEGED SHIPMENT: On or about June 24, 1949, from the State of North Dakota into the State of Iowa.

LABEL, IN PART: "Powerful Flour Bleached-Bromated Unenriched Manufactured by Russell-Miller Milling Co. Minneapolis Minn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of larvae, larva cast skins, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 7, 1950. Pleas of guilty having been entered, the court imposed a fine of \$600 against the company and a fine of \$50 against the individual.

15711. Adulteration of bromated flour. U. S. v. 62 Bags * * *. (F. D. C. No. 28306. Sample No. 48587-K.)

LIBEL FILED: November 21, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 16, 1949, from Black Rock, N. Y.

PRODUCT: 62 100-pound bags of bromated flour at Emmaus, Pa., in possession of E. B. Frey, R. D. #2.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 27, 1949. Edwin B. Frey, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the

court ordered the product released under bond to be denatured for use other than for human consumption, under the supervision of the Food and Drug Administration.

15712. Adulteration of flour. U. S. v. 322 Bags * * *. (F. D. C. No. 27946.)
Sample No. 52834-K.)

LIBEL FILED: October 27, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 23, 1949, by the Wall-Rogalsky Milling Co., from McPherson, Kans.

PRODUCT: 322 100-pound bags of flour at Cincinnati, Ohio.

LABEL, IN PART: "Special Bakers Patent Highest Utility Quality Flour * * * Bleached Enriched."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 20, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as stock feed.

15713. Adulteration of doughnut flour. U. S. v. 2 Bags * * *. (F. D. C. No. 27751. Sample No. 52806-K.)

LIBEL FILED: September 16, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 11, 1949, by the Jos. T. Shuflitowski Co., from Chicago, Ill.

PRODUCT: 2 100-pound bags of doughnut flour at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 20, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as stock feed.

15714. Adulteration of whole wheat flour. U. S. v. 14 Bags * * *. (F. D. C. No. 27962. Sample Nos. 52874-K, 52921-K.)

LIBEL FILED: November 3, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 24 and April 25, 1949, from Alton, Ill.

PRODUCT: 14 100-pound bags of whole wheat flour at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 20, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as stock feed.

15715. Adulteration and misbranding of enriched flour. U. S. v. 325 Bags, etc.
(F. D. C. No. 28005. Sample Nos. 52808-K, 52809-K.)

LIBLE FILED: September 29, 1949, Western District of Kentucky.

ALLEGED SHIPMENT: On or about August 12, 1949, by the Waggoner-Gates Milling Co., from Independence, Mo.

PRODUCT: 325 10-pound bags of enriched self-rising flour and 30 5-pound bags of enriched plain flour at Louisville, Ky.

LABEL, IN PART: "Queen of The Pantry Enriched Flour [or "Enriched Self-Rising Flour"] Bleached."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, namely, (in both products) thiamine (vitamin B₁) and (in the self-rising flour) riboflavin (vitamin B₂), had been in part omitted.

Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for enriched flour and enriched self-rising flour in that both articles contained less than 2.0 milligrams of thiamine (vitamin B₁) per pound, and the enriched self-rising flour contained less than 1.2 milligrams of riboflavin per pound.

DISPOSITION: December 21, 1949. Default decree of condemnation. The court ordered that the products be delivered to a public institution, for use as animal feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

15716. Adulteration of popcorn. U. S. v. 158 Bags * * *. (F. D. C. No. 28297. Sample No. 63818-K.)

LIBLE FILED: November 18, 1949, Western District of North Carolina.

ALLEGED SHIPMENT: On or about October 7, 1949, by the J. A. McCarty Seed Co., from Evansville, Ind.

PRODUCT: 158 100-pound bags of popcorn at Charlotte, N. C.

LABEL, IN PART: "Top Pop Brand Hybrid Popcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent excreta, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 15, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

15717. Adulteration of popcorn. U. S. v. 15 Bags, etc. (F. D. C. No. 27901. Sample No. 60556-K.)

LIBLE FILED: October 25, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On various dates between the years 1940 and 1947, from Schaller, Iowa, and Fort Collins, Colo., or from various points in Texas.

PRODUCT: 16 100-pound bags of popcorn at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 13, 1950. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

15718. Adulteration of rice. U. S. v. 202 Bags * * *. (F. D. C. No. 27915. Sample No. 33924-K.)

LIBEL FILED: October 19, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about June 10, 1949, from Stuttgart, Ark.

PRODUCT: 202 100-pound bags of rice at Sacramento, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (The article contained rodent urine.) Further adulteration, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 30, 1950. Default decree of condemnation and destruction.

15719. Adulteration of rice. U. S. v. 170 Bags * * *. (F. D. C. No. 27980. Sample No. 35295-K.)

LIBEL FILED: November 10, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about October 16, 1948, from Crowley, La.

PRODUCT: 170 100-pound bags of rice at San Francisco, Calif., in possession of the Gibralter Warehouse (Pioneer Warehouse).

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 23, 1949. J. S. Chu, trading as the Pacific Far East Co. of San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion and its conversion into stock feed, under the supervision of the Federal Security Agency. Of the 170 bags of rice which were seized, 59 bags were found to be fit for human consumption and 111 bags were sorted out as unfit and were denatured.

15720. Adulteration of puffed rice. U. S. v. 48 Cartons, etc. (F. D. C. No. 28294. Sample Nos. 40283-K, 40284-K.)

LIBEL FILED: November 16, 1949, District of Maryland.

ALLEGED SHIPMENT: On or about October 11, 1949, by Van Brode Milling Co., Inc., from Clinton, Mass.

PRODUCT: Puffed rice. 48 cartons, each containing 24 8-ounce packages, and 50 cartons, each containing 24 4-ounce packages, at Baltimore, Md.

LABEL, IN PART: (Package) "Luckies * * * Puffed Rice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 20, 1949. Default decree of condemnation. The court ordered that the product be released to a municipal zoo, for use as animal feed.

15721. Adulteration of wheat flakes. U. S. v. 250 Cases * * *. (F. D. C. No. 28292. Sample No. 66912-K.)

LIBLE FILED: November 15, 1949, District of Maryland.

ALLEGED SHIPMENT: On or about October 14, 1949, by Van Brode Milling Co., Inc., from Clinton, Mass.

PRODUCT: 250 cases, each containing 100 1-ounce packages, of wheat flakes at Fort George G. Meade, Md.

LABEL, IN PART: (Package) "Van Brode Wheat Flakes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 20, 1949. Default decree of condemnation. The court ordered that the product be delivered to a city zoo, for animal consumption.

15722. Adulteration of wheat. U. S. v. 235 Bags * * *. (F. D. C. No. 28293. Sample No. 62131-K.)

LIBLE FILED: November 15, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 13, 1949, from Augusta, Mich.

PRODUCT: 235 100-pound bags of wheat at Clinton, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 27, 1949. Van Brode Milling Co., Inc., Clinton, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The product was denatured.

DAIRY PRODUCTS

BUTTER

15723. Adulteration of butter. U. S. v. The Caldwell Produce Co. and Henry B. Brumbach. Plea of guilty. Fine of \$2,500 against company and fine of \$500 and sentence of 60 days in jail against individual. Individual released after serving 4 days. (F. D. C. No. 28193. Sample Nos 46682-K to 46686-K, incl.)

INFORMATION FILED: December 27, 1949, Southern District of Ohio, against the Caldwell Produce Co., a corporation, Caldwell, Ohio, and Henry B. Brumbach, manager of the corporation's Caldwell plant.

ALLEGED SHIPMENT: On or about July 12 and 15, 1949, from the State of Ohio into the State of Pennsylvania.

LABEL, IN PART: (Wrapper) "Caldwell Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, moth scales, feather barbules, cow hairs, and rodent hair fragments; and, in addition, it consisted in part of a decomposed substance since it was made from decomposed cream, as evidenced by a high mold mycelia count. Further adulteration, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 20, 1950. Pleas of guilty having been entered, the court imposed a fine of \$2,500 against the company and a fine of \$500 against the individual. The court also sentenced the individual to serve 60 days in jail, but he was released after serving 4 days.

15724. Adulteration of butter. U. S. v. The Quaker City Co-Operative Creamery Co. and Ira W. Hartley. Pleas of guilty. Fine of \$3,000 against company and \$1,000 against individual. (F. D. C. No. 28163. Sample Nos. 51858-K, 51861-K, 51862-K.)

INFORMATION FILED: October 26, 1949, Southern District of Ohio, against the Quaker City Co-Operative Creamery Co., a corporation, Quaker City, Ohio, and Ira W. Hartley, secretary and treasurer of the corporation.

ALLEGED SHIPMENT: On or about July 11, 1949, from the State of Ohio into the State of West Virginia.

LABEL, IN PART: "Quaker City Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect and fly fragments, and rodent hair fragments; Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth; Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 2, 1949. Pleas of guilty having been entered, the court imposed a fine of \$3,000 against the company and a fine of \$1,000 against the individual.

MISCELLANEOUS DAIRY PRODUCT

15725. Adulteration of cheese curd. U. S. v. 11 Bushels * * *. (F. D. C. No. 28271. Sample No. 48621-K.)

LABEL FILED: November 3, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 21, 1949, by the Vineland Cheese Corp., from Vineland, N. J.

PRODUCT: 11 bushels (approximately 220 pounds) of cheese curd at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of flies, fly parts, maggots, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 21, 1949. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

15726. Misbranding of canned cherries. U. S. v. 99 Cases * * *. (F. D. C. No. 28286. Sample No. 50929-K.)

LIBLE FILED: November 10, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about October 8, 1949, by the Producers Coop. Packing Co., from Salem, Oreg.

PRODUCT: 99 cases, each containing 24 1-pound, 14-ounce cans, of cherries at Farmingdale, L. I., N. Y.

LABEL, IN PART: (Can) "Arco Royal Anne Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product was represented to be canned cherries, a product for which a definition and standard of identity has been established by the regulations; and its label failed to bear the name of the optional cherry ingredient, namely, "Light Sweet," and the name of the optional packing medium, namely, "Heavy Sirup," present in the product.

DISPOSITION: December 16, 1949. Montauk Wholesale Grocery Co., Inc., Farmingdale, L. I., N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

DRIED FRUIT

15727. Adulteration of dried peaches and dried mixed fruit. U. S. v. Hunt Foods, Inc. Plea of nolo contendere. Fine, \$1,500. (F. D. C. No. 28167. Sample Nos. 1389-K, 1390-K, 10873-K, 34082-K, 34096-K.)

INFORMATION FILED: On or about November 3, 1949, Northern District of California, against Hunt Foods, Inc., Hayward, Calif.

ALLEGED SHIPMENT: On or about January 21 and April 5 and 22, 1949, from the State of California into the States of South Carolina and New York.

LABEL, IN PART: "Dried Peaches * * * Phoenix Packing Company San Francisco, Cal." and "Hunt's Dried Fancy Mixed Fruits Packed by Guggenheim & Company Division of Hunt Foods, Inc. San Francisco, California—U. S. A."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the peaches consisted in part of a filthy and decomposed substance by reason of the presence of insects and decomposed peaches, and the mixed fruit consisted in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, insects, insect excreta, and larvae.

DISPOSITION: December 9, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$1,500.

15728. Adulteration of dried prunes. U. S. v. 1,667 Cases * * *. (F. D. C. No. 28070. Sample Nos. 33440-K, 56726-K.)

LIBLE FILED: October 26, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about August 30, 1949, by the Valley View Packing Co., from San Jose, Calif.

PRODUCT: 1,667 30-pound cases of dried prunes at New York, N. Y.

LABEL, IN PART: "Hillsdale Verigrade Prunes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested prunes, and of a decomposed substance by reason of the presence of moldy and rotten prunes.

DISPOSITION: December 19, 1949. Default decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

15729. Adulteration of canned asparagus. U. S. v. 24 Cases * * *. (F. D. C. No. 28019. Sample No. 62816-K.)

LIBEL FILED: October 4, 1949, District of New Hampshire.

ALLEGED SHIPMENT: On or about June 27, 1949, by the Salter Canning Co., from North Rose, N. Y.

PRODUCT: 24 cases, each containing 24 1-pound, 4-ounce cans, of asparagus at Keene, N. H.

LABEL, IN PART: (Can) "Tender All Green Asparagus Spears."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect eggs and insect-damaged spears.

DISPOSITION: January 23, 1950. Default decree of condemnation and destruction.

15730. Misbranding of canned green beans. U. S. v. 394 Cases * * *. (F. D. C. No. 28277. Sample No. 57276-K.)

LIBEL FILED: November 7, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about October 7, 1949, by Long Island Canning Co., Inc., from Riverhead, Long Island, N. Y.

PRODUCT: 394 cases, each containing 24 1-pound, 3-ounce cans, of green beans at New Haven, Conn.

LABEL, IN PART: "Rose Garden Cut Green Beans."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cut green beans since the deseeded pods contained more than 15 percent by weight of fibrous material and its label failed to bear the substandard legend.

DISPOSITION: January 11, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

15731. Adulteration and misbranding of canned field peas. U. S. v. 454 Cases * * *. (F. D. C. No. 28043. Sample No. 1262-K.)

LIBEL FILED: On or about October 20, 1949, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about August 23, 1949, by the R. O. Kelley Co., from Midville, Ga.

PRODUCT: 454 cases, each containing 24 1-pound, 3-ounce cans, of field peas at Darlington, S. C.

LABEL, IN PART: (Can) "Kelley's Best Georgia Field Peas with Snaps."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), packing medium had been substituted in part for peas.

Misbranding, Section 403 (d), the container of the article was so filled as to be misleading since it contained excess packing medium and fewer peas than are usually present and expected in cans of the size involved.

DISPOSITION: November 18, 1949. The R. O. Kelley Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

15732. Adulteration of dried black-eyed peas. U. S. v. 81 Cases * * *. (F. D. C. No. 28300. Sample No. 63844-K.)

LIBEL FILED: November 21, 1949, Western District of South Carolina.

ALLEGED SHIPMENT: On or about September 19, 1949, by Benham & Co., Inc., from Mineola, Tex.

PRODUCT: 81 cases, each containing 12 2-pound bags, of dried black-eyed peas at Greenville, S. C.

LABEL, IN PART: (Bag) "Benco Brand Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: January 10, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

15733. Adulteration of Soyabits (ground soybeans). U. S. v. 78 Bags, etc. (F. D. C. No. 28040. Sample Nos. 1943-K, 1944-K, 63768-K, 63774-K.)

LIBEL FILED: October 11, 1949, Northern District of Georgia.

ALLEGED SHIPMENT: On or about August 10 and September 2, 1948, from Chicago, Ill.

PRODUCT: 194 100-pound bags of Soyabits (ground soybeans) at Atlanta, Ga., in possession of the Atlanta Service Warehouse.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, rodent excreta, and rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 14, 1949. The Glidden Co., Cleveland, Ohio, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

15734. Adulteration of pickles. U. S. v. 19 Cases, etc. (F. D. C. No. 28285. Sample Nos. 48585-K, 48586-K.)

LIBEL FILED: On or about November 17, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about September 19 and October 4 and 17, 1949, by Mrs. Schlorer's, Inc., from Philadelphia, Pa.

PRODUCT: 35 cases, each containing 24 12-ounce jars, of pickles at Camden, N. J.

LABEL, IN PART: (Jar) "Mrs. Schlorer's Sweet Midgets [or "Preserved Pickle Strips"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects, insect parts, and rodent hair fragments; and, Section 402 (a) (4), the products had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: February 3, 1950. Default decree of condemnation. The court ordered that the products be destroyed, with the exception of 48 bottles which were ordered delivered to the Food and Drug Administration.

TOMATOES AND TOMATO PRODUCTS

15735. Adulteration of canned tomatoes. U. S. v. Elwood Canning Corp. Plea of guilty. Fine, \$200. (F. D. C. No. 28187. Sample No. 24298-K.)

INFORMATION FILED: November 28, 1949, Southern District of Indiana, against the Elwood Canning Corp., Elwood, Ind.

ALLEGED SHIPMENT: On or about May 13, 1949, from the State of Indiana into the State of Iowa.

LABEL, IN PART: "Bluebelle Tomatoes * * * Packed For Iowa Distributing Co. Sioux City, Iowa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: December 30, 1949. A plea of guilty having been entered, the court imposed a fine of \$200.

15736. Adulteration of canned tomatoes. U. S. v. 960 Cases * * *. (F. D. C. No. 28270. Sample No. 63816-K.)

LIBEL FILED: November 8, 1949, Western District of South Carolina.

ALLEGED SHIPMENT: On or about September 8 and 14, 1949, by A. W. Sisk & Son, from Federalsburg, Md.

PRODUCT: 960 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Chester, S. C.

LABEL, IN PART: (Can) "Pine Cone Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: December 20, 1949. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

15737. Adulteration and misbranding of canned tomatoes. U. S. v. 356 Cases * * *. (F. D. C. No. 28305. Sample No. 56848-K.)

LIBEL FILED: November 18, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about September 2, 1949, by A. W. Sisk & Son, from Salem, Md.

PRODUCT: 356 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at South Kearny, N. J.

LABEL, IN PART: (Can) "Dean's Special Brand Tomatoes * * * Packed * * * By R. Elmer Dean Canning Co. Cambridge, Maryland."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or

weight and reduce its quality or strength; Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted by the regulations as an ingredient of canned tomatoes; and, Section 403 (h) (1), the product failed to conform to the standard of quality for canned tomatoes since it contained excessive peel, and its label failed to bear a statement that the product fell below such standard.

DISPOSITION: January 16, 1950. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions. The order provided that the product be examined to determine whether it was wholesome and fit for human food before such delivery, and if not, the product was to be destroyed.

15738. Adulteration of canned tomatoes. U. S. v. 800 Cases * * *. (F. D. C. No. 28059. Sample No. 48615-K.)

LIBEL FILED: December 6, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 28, 1949, by the Twin Cedar Packing Co., from Landisville, N. J.

PRODUCT: 800 cases, each containing 6 No. 10 cans, of tomatoes at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 16, 1950. Default decree of condemnation and destruction.

15739. Adulteration and misbranding of canned tomatoes. U. S. v. 459 Cases * * *. (F. D. C. No. 28275. Sample No. 63066-K.)

LIBEL FILED: November 4, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 26, 1949, by Thomas Roberts & Co., from Cambridge, Md.

PRODUCT: 459 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Haverhill, Mass.

LABEL, IN PART: (Can) "Pride of the Farm Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient in the standard.

DISPOSITION: January 9, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

15740. Misbranding of canned tomatoes. U. S. v. 396 Cases * * *. (F. D. C. No. 28301. Sample No. 7597-K.)

LIBEL FILED: November 18, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about October 20, 1949, by the Great Atlantic & Pacific Tea Co., from Charlotte, N. C.

PRODUCT: 396 cases, each containing 24 cans, of tomatoes at Hamlin, N. Y.

LABEL, IN PART: (Can) "Sultana Grade B Tomatoes Net Wt. 1 Lb. 3 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The product was short weight.)

Further misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes because of the low drained weight as determined by the sieve test set forth in the standard; and, Section 403 (h) (2), it fell below the standard of fill of container for canned tomatoes since the fill of its container was less than 90 percent of the total capacity of the container. The product was not labeled to show that it fell below the standard of quality and fill of container.

DISPOSITION: January 12, 1950. A Lustig, Inc., Hamlin, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

15741. Adulteration of canned tomatoes. U. S. v. 250 Cases * * *. (F. D. C. No. 28263. Sample No. 13840-K.)

LIBEL FILED: November 1, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 4, 1949, by Peter A. Capizola, from Buena, N. J.

PRODUCT: 250 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Philadelphia, Pa.

LABEL, IN PART: (Can) "Relco Brand * * * Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 21, 1949. Default decree of condemnation and destruction.

15742. Adulteration and misbranding of canned tomatoes. U. S. v. 130 Cases * * *. (F. D. C. No. 27900. Sample No. 52011-K.)

LIBEL FILED: October 7, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 12, 1949, by White & Nelson, from Cambridge, Md.

PRODUCT: 130 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Cleveland, Ohio.

LABEL, IN PART: "Monga Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not a permitted ingredient of canned tomatoes in the definition and standard.

DISPOSITION: January 27, 1950. Default decree of condemnation and destruction. On February 1, 1950, an amended decree was entered, providing for the delivery of the product to charitable institutions.

15743. Adulteration and misbranding of canned tomatoes. U. S. v. 42 Cases * * *. (F. D. C. No. 28075. Sample No. 63724-K.)

LIBEL FILED: On or about October 27, 1949, Northern District of Florida.

ALLEGED SHIPMENT: On or about September 20, 1949, by the H. V. Kell Co., from Cairo, Ga.

PRODUCT: 42 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Tallahassee, Fla.

LABEL, IN PART: (Can) "Tomato Queen Brand Hand Packed Tomatoes * * * Packed By Lively Canning Corp., Lively, Va."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes in the definition and standard.

DISPOSITION: January 27, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for human or animal consumption.

15744. Adulteration of tomato puree. U. S. v. 2,000 Cases * * *. (F. D. C. No. 28239. Sample No. 40286-K.)

LIBEL FILED: October 26, 1949, District of Maryland.

ALLEGED SHIPMENT: During September 1949, by Phillips Packing Co., Inc., from Laurel, Del.

PRODUCT: 2,000 cases, each containing 6 No. 10 cans, of tomato puree at Cambridge, Md.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: January 12, 1950. Default decree of condemnation. The court ordered that the product be released to the Baltimore Zoo, for use as animal feed.

15745. Adulteration of tomato puree. U. S. v. 11 Cases * * *. (F. D. C. No. 28289. Sample No. 13425-K.)

LIBEL FILED: November 14, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 4, 1948, from Sacramento, Calif.

PRODUCT: 11 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 2, 1950. Default decree of condemnation and destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

15746. Adulteration of chili powder. U. S. v. 7 Bags * * *. (F. D. C. No 28028. Sample No. 68006-K.)

LIBEL FILED: October 12, 1949, District of New Mexico.

ALLEGED SHIPMENT: Between June 24 and September 6, 1949, by the Tortopa Co., from Canutillo, Tex.

PRODUCT: 7 100-pound bags of chili powder at Albuquerque, N. Mex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hair fragments.

DISPOSITION: November 14, 1949. Default decree of condemnation and destruction.

15747. Adulteration of nutmegs. U. S. v. 4 Bags * * *. (F. D. C. No. 28010. Sample No. 56634-K.)

LIBEL FILED: September 28, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about August 30, 1949, from New York, N. Y.

PRODUCT: 4 100-pound bags of nutmegs at Jersey City, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, mold, rodent excreta, animal excreta, matted dirt, wood splinters, and other foreign material. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 19, 1949. Default decree of condemnation and destruction.

15748. Adulteration of paprika. U. S. v. 5 Bags * * *. (F. D. C. No. 28261. Sample No. 63644-K.)

LIBEL FILED: November 14, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about July 23, 1948, from New York, N. Y.

PRODUCT: 5 110-pound bags of paprika at Tampa, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 19, 1949. Default decree of condemnation and destruction.

15749. Adulteration of sesame seed. U. S. v. 2 Bags * * *. (F. D. C. No. 27890. Sample No. 46742-K.)

LIBEL FILED: September 30, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 21, 1949, from New York, N. Y.

PRODUCT: 2 100-pound bags of sesame seed at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 19, 1949. Default decree of condemnation and destruction.

15750. Adulteration and misbranding of vitamin-enriched salt U. S. v. 12 Cases
 * * *. (F. D. C. No. 27742. Sample No. 44867-K.)

LIBEL FILED: September 9, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about July 20, 1949, by Labmasters, Inc., from Lincoln, Nebr.

PRODUCT: 12 cases, each containing 24 cartons, of vitamin-enriched salt at Minneapolis, Minn.

LABEL, IN PART: "Salt-Em-In Vitamin B₁ & B₂ Coated Iodized Salt."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in whole or in part omitted.

Misbranding, Section 403 (a), the label statements "Each three grams of iodized salt contains Thiamin B₁ (1.0 mg.) * * * Three grams ($\frac{1}{10}$ Oz.) of vitamin B₁ and B₂ coated Iodized Salt provide the following adult daily minimum requirements 100% Vitamin B₁" were false and misleading since the product contained less than the declared amount of thiamine (vitamin B₁).

DISPOSITION: On October 28, 1949, an additional shipment of the product having been seized which was not covered by the libel, the court ordered the segregation and release of that shipment by the Food and Drug Administration. On December 16, 1949, no claimant having appeared, the court ordered that the goods remaining under seizure (5 cartons) be delivered to a charitable institution.

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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to Section 705 of the Food, Drug, and Cosmetic Act]

15751-15800

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., June 22, 1950.

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BEVERAGES AND BEVERAGE MATERIALS

15751. Misbranding of Vita pineapple (beverage). U. S. v. Paul A. Markham (California Fruit Juice Co.). Plea of nolo contendere. Fine, \$100. (F. D. C. No. 26815. Sample No. 5307-K.)

INFORMATION FILED: October 25, 1949, District of Massachusetts, against Paul A. Markham, trading as the California Fruit Juice Co., Waltham, Mass.

ALLEGED SHIPMENT: On or about September 2, 1948, from the State of Massachusetts into the State of Rhode Island.

LABEL, IN PART: "Vita Pineapple With Vitamins Added California Fruit Juice Company * * * Contains pure pineapple juice, cane sugar syrup, edible acids, U. S. Certified Color and less than 1/10 of 1% benzoate of soda."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name of the article "Vita Pineapple," the statement "Fruit Juice" in the name of the firm, and the statement "Contains Pure Pineapple juice, cane sugar syrup, edible acids," borne on the label, were misleading since such name and statements represented and suggested that the article consisted essentially of sweetened pineapple juice, whereas it consisted of approximately 80 percent water, 10 percent sugar, and 10 percent pineapple juice.

Further misbranding, Section 403 (a), the label statement "There has been added to each one-half gallon * * * 2,400 U. S. P. units of vitamin C" was false and misleading since such statement represented and suggested that the article contained 2,400 U. S. P. units of vitamin C per one-half gallon, whereas the article contained a smaller amount of vitamin C; and, Section 403 (e) (2), the label of the article bore no statement of the quantity of the contents.

DISPOSITION: November 29, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$100.

15752. Adulteration of tomato juice. U. S. v. Clyde Canning Co. Plea of guilty. Fine of \$100 on each of the three counts of the information, plus costs. Payment of fine on counts 2 and 3 suspended. (F. D. C. No. 28210. Sample Nos. 45039-K, 45042-K, 46585-K.)

INFORMATION FILED: January 19, 1950, Northern District of Ohio, against the Clyde Canning Co., a partnership, Clyde, Ohio.

ALLEGED SHIPMENT: On or about May 8 and July 21, 1949, from the State of Ohio into the States of Iowa and Pennsylvania.

LABEL, IN PART: "Jack Sprat Tomato Juice * * * Distributed By Marshall Canning Co. Marshalltown, Iowa" or "Suny-Crop Tomato Juice * * * Packed by Clyde Canning Co. Clyde, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 9, 1950. A plea of guilty having been entered, the court imposed a fine of \$100 on each of the 3 counts of the information, plus costs, but suspended the payment of the fine imposed on counts 2 and 3.

15753. Adulteration of tomato juice. U. S. v. Gervas Canning Co., Inc. Plea of guilty. Fine, \$250. (F. D. C. No. 28189. Sample No. 5767-K.)

INFORMATION FILED: December 6, 1949, Western District of New York, against Gervas Canning Co., Inc., Fredonia, N. Y.

ALLEGED SHIPMENT: On or about April 1, 1949, from the State of New York into the State of New Hampshire.

LABEL, IN PART: "IGA * * * Tomato Juice Packed for Independent Grocers' Alliance Distributing Co. Chicago New York San Francisco Seattle."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato juice.

DISPOSITION: December 19, 1949. A plea of guilty having been entered, the court imposed a fine of \$250.

15754. Adulteration of tomato juice. U. S. v. 25 Cases * * *. (F. D. C. No. 28604. Sample No. 61480-K.)

LABEL FILED: December 29, 1949, Western District of Arkansas.

ALLEGED SHIPMENT: On or about November 22, 1949, by G. L. Webster Co., Inc., from Cheriton, Va.

PRODUCT: 25 cases, each containing 72 6-ounce cans, of tomato juice at Texarkana, Ark.

LABEL, IN PART: "Webster's of Virginia Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 15, 1950. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

FLOUR

Nos. 15755 to 15758 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.)

15755. Adulteration of flour. U. S. v. Burnside Milling Co., a partnership, William B. Robinson, and John O. Robinson. Pleas of nolo contendere. Sentence suspended against partnership; individual defendants placed on probation for 3 years. (F. D. C. No. 26316. Sample Nos. 44128-K, 44129-K.)

INFORMATION FILED: January 20, 1949, Eastern District of Kentucky, against the Burnside Milling Co., a partnership, Burnside, Ky., John O. Robinson, a partner, and William B. Robinson, in charge of milling operations.

ALLEGED SHIPMENT: On or about September 8, 1948, from the State of Kentucky into the State of Tennessee.

LABEL, IN PART: "Burnside Milling Company Red Bird Patent Flour" or "Hostess High Patent Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of larvae, insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 14, 1949. Pleas of nolo contendere having been entered, sentence was suspended against the partnership and the individual defendants were placed on probation for three years.

15756. Adulteration of flour. U. S. v. 29 Bags * * *. (F. D. C. No. 27573.
Sample No. 47815-K.)

LIBEL FILED: July 15, 1949, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about January 14, 1949, from Springfield, Ill.

PRODUCT: 29 100-pound bags of flour at Fredericksburg, Va., in possession of Snellings & Minor Wholesale Grocery.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 26, 1949. Snellings & Minor Wholesale Grocery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured and used as stock feed, under the supervision of the Food and Drug Administration.

15757. Adulteration of self-rising flour and plain flour. U. S. v. 49 Bags, etc.
(F. D. C. No. 27775. Sample Nos. 1593-K to 1595-K, incl.)

LIBEL FILED: On August 22, 1949, Northern District of Florida.

ALLEGED SHIPMENT: On or about May 31, June 14 and 30, and July 3, 1949, from Arkansas City, Kans., Enid, Okla., and Springfield, Ill.

PRODUCT: 49 10-pound bags and 25 25-pound bags of self-rising flour and 7 100-pound bags of plain flour at Gainesville, Fla., in possession of the Gainesville Wholesale Grocery Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3) the plain flour consisted in whole or in part of a filthy substance by reason of the presence of insects and larvae, and the self-rising flour consisted in whole or in part of a filthy substance by reason of being contaminated with urine; and, Section 402 (a) (4), the self-rising flour had been held under insanitary conditions whereby it may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 14, 1949. Default decree of condemnation. The court ordered that the products be delivered to a Federal institution, for use as livestock feed.

15758. Adulteration of rye flour, whole wheat flour, steel cut oats, and rolled oats. U. S. v. 14 Bags, etc. (and 2 other seizure actions). (F. D. C. No. 28041. Sample Nos. 32097-K to 32102-K, incl.)

LIBELS FILED: October 19, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about July 27 and August 8 and 26, 1949, from Minneapolis, Minn., and Portland and Astoria, Oreg.

PRODUCT: 14 45-pound bags and 43 22½-pound bags of rolled oats; 18 100-pound bags of steel cut oats; 68 100-pound bags of whole wheat flour; and 64 100-pound bags of rye flour at Sacramento, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances. (They were contaminated with rodent urine.) Further adulteration, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 23, 1949. Pillsbury Mills, Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the court ordered that the products be released under bond for segregation of the unfit portions and their conversion into animal feed, under the supervision of the Food and Drug Administration.

MACARONI AND NOODLE PRODUCTS

15759. Adulteration of macaroni products. U. S. v. Italo-French Produce Co. and Elmer A. Teyssier. Pleas of guilty. Fine of \$500 against company and \$100 against individual, plus costs. (F. D. C. No. 28183. Sample Nos. 68904-K, 68905-K, 68907-K, 68909-K.)

INFORMATION FILED: November 22, 1949, Western District of Pennsylvania, against the Italo-French Produce Co., a corporation, Pittsburgh, Pa., and Elmer A. Teyssier, secretary-treasurer of the corporation.

ALLEGED SHIPMENT: On or about September 14, 1949, from the State of Pennsylvania into the State of West Virginia.

LABEL, IN PART: (Packages) "Arco Brand The Cream of Real Durum Wheat" and "Arco Brand Macaroni Products."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: January 18, 1950. Pleas of guilty having been entered, the court imposed a fine of \$500 against the company and a fine of \$100 against the individual, plus costs.

15760. Adulteration and misbranding of enriched macaroni. U. S. v. 24 Cases * * *. (F. D. C. No. 23858. Sample No. 32006-K.)

LIBEL FILED: October 22, 1947, Territory of Hawaii.

ALLEGED SHIPMENT: On or about September 23, 1947, by Alexander & Baldwin, Ltd., from San Francisco, Calif.

PRODUCT: 24 cases, each containing 24 8-ounce packages, of enriched macaroni at Honolulu, T. H.

LABEL, IN PART: "Royal Vitamin Enriched Macaroni Ingredients: Semolina, Vitamin B₁, Vitamin B₂, Niacin, Iron Pyrophosphate Net Weight 8 Ounces California Macaroni Co. San Francisco."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁ and iron, had been in part omitted from the product.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for enriched macaroni since it contained in each pound less than 4 milligrams of thiamine (vitamin B₁) and less than 13 milligrams of iron; and, Section 403 (a), the label statements "Comparative Food Values of Macaroni and Other Foods Calories Lean Steak . . . 950, Potatoes . . . 365, Parsnips . . . 295, Beets . . . 230, Carrots . . . 195, Onions . . . 190, String Beans, . . . 170, Turnips . . . 160, Cabbage . . . 115, Lettuce . . . 65, Macaroni . . . 1665" conveyed the misleading impression that macaroni had the highest food value of any of the foods mentioned. Further misbranding, Section 403 (a), the label statement "Four ounces when cooked supply the following of adult minimum daily requirements: Vitamin B₁ 50% * * * Iron 32.5%" was

false and misleading since the product did not contain or provide the stated proportions of the minimum daily requirements for vitamin B₁ and iron.

DISPOSITION: August 19, 1948. Default decree entered. The court ordered that the product be delivered to charitable or Governmental institutions, after certification as to its fitness for human consumption.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

15761. Adulteration of popcorn. U. S. v. 14 Bags * * *. (F. D. C. No. 28602. Sample No. 52598-K.)

LIBEL FILED: December 27, 1949, Western District of Kentucky.

ALLEGED SHIPMENT: On or about October 7, 1949, by the Ramsey Popcorn Co., from Ramsey, Ind.

PRODUCT: 14 100-pound bags of popcorn at Louisville, Ky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments.

DISPOSITION: February 1, 1950. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

15762. Adulteration of rice. U. S. v. 9 Bags * * * (and 4 other seizure actions). (F. D. C. Nos. 27821, 27822. Sample Nos. 60534-K to 60538-K, incl.)

LIBELS FILED: September 16 and October 13, 18, and 19, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 3 and December 1, 1948, from Harrisburg, Ark., and Dos Palos, Calif.

PRODUCT: 295 100-pound bags of rice at Chicago, Ill., in possession of Wakem & McLaughlin, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 10 and 16, 1950. Default decrees of condemnation and destruction.

15763. Adulteration of cream of maize. U. S. v. 30 Bags * * *. (F. D. C. No. 27981. Sample No. 54158-K.)

LIBEL FILED: November 16, 1949, Northern District of Texas.

ALLEGED SHIPMENT: On or about September 20, 1949, from Decatur, Ill.

PRODUCT: 30 50-pound bags of cream of maize at Dallas, Tex., in possession of the American Products Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 9, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

*See also No. 15758.

CONFECTIONERY

15764. Adulteration and misbranding of candy. U. S. v. 19 Boxes * * *
(and 3 other seizure actions). (F. D. C. Nos. 27284 to 27287, incl.
Sample Nos. 46541-K to 46545-K, incl.)

LIBELS FILED: June 1, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about April 25 and 27, 1949, by the Pan American Candy Co., from Mount Vernon, Ill.

PRODUCT: 148 boxes of candy at St. Louis, Mo. Each box contained 24 candy bars.

LABEL, IN PART: (Bar) "Delicious Chocolate Malted Net Weight 1½ Ozs." or "A Treat for Heat Polar Wave Net Weight 1½ Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (e) (2), (35 boxes of chocolate malted candy bars) the product failed to bear a label containing an accurate statement of the quantity of the contents. (The candy bars were short of the declared weight.)

DISPOSITION: December 5, 1949. Default decrees of forfeiture and destruction.

15765. Adulteration of candy. U. S. v. 49 Boxes * * *. (F. D. C. No. 26873. Sample No. 2592-K.)

LIBEL FILED: March 21, 1949, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about February 19, 1949, by the Maple Dell Candy Co., from Columbus, Ohio.

PRODUCT: 49 boxes, each containing 24 1¼-ounce bars, of candy at Holden, W. Va.

LABEL, IN PART: "Original Mountain Tops."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 21, 1949. Default decree of condemnation and destruction.

15766. Adulteration of candy. U. S. v. 27 Boxes, etc. (F. D. C. No. 27973-B. Sample Nos. 50820-K, 50821-K.)

LIBEL FILED: November 10, 1949, District of Montana.

ALLEGED SHIPMENT: On or about October 17, 1949, by the Queen Anne Candy Co., from Seattle, Wash.

PRODUCT: Candy. 27 2-pound boxes and 70 1-pound boxes at Anaconda, Mont.

LABEL, IN PART: "Canterbury Assorted Chocolates * * * Canterbury Candy Makers Seattle, U. S. A." or "Canterbury Tales * * * Seattle, Wash."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 2, 1950. Default decree of condemnation. The court ordered that the product be denatured and delivered to a State institution, for use as animal feed.

15767. Adulteration of candy. U. S. v. 6 Cases * * *. (F. D. C. No. 27974. Sample No. 50823-K)

LIBLE FILED: On or about November 14, 1949, District of Montana.

ALLEGED SHIPMENT: On or about October 24, 1949, by the Queen Anne Candy Co., from Seattle, Wash.

PRODUCT: 6 cases, each containing 24 14-ounce packages, of candy at Billings, Mont.

LABEL, IN PART: (Package) "Canterbury Chocolate Mints * * * Canterbury Candy Makers Seattle, U. S. A."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 31, 1950. Default decree of condemnation and destruction.

15768. Adulteration of candy. U. S. v. 9 Cases * * *. (F. D. C. No. 28371. Sample No. 70107-K.)

LIBLE FILED: November 21, 1949, District of Nebraska.

ALLEGED SHIPMENT: On or about October 21, 1949, by the Murphy Candy Co., La Crosse, Wis.

PRODUCT: 9 cases, each containing 36 1-pound packages, of candy at Omaha, Nebr.

LABEL, IN PART: (Package) "Murphy's Old Fashioned Chocolates."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 19, 1949. The shipper having consented to the entry of a decree, judgment of condemnation and destruction was entered.

FISH AND SHELLFISH

15769. Adulteration of canned pink salmon. U. S. v. 98 Cases * * *. (F. D. C. No. 28378. Sample Nos. 36877-K, 36879-K.)

LIBLE FILED: November 30, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about September 27, 1949, by the New England Fish Co., from Ketchikan, Alaska.

PRODUCT: 98 cases, each containing 48 cans, of pink salmon at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: January 9, 1950. The New England Fish Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion, under the supervision of the Federal Security Agency. A total of 49 cases of the product was classified as good and released to the claimant, and the remainder of the product was destroyed.

15770. Misbranding of canned sardines. U. S. v. 49 Cases * * *. (F. D. C. No. 28298. Sample No. 33144-K.)

LIBEL FILED: November 18, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about October 19, 1949, by the H. G. F. Corp., from San Francisco, Calif.

PRODUCT: 49 cases, each containing 48 15-ounce cans, of sardines at New York, N. Y.

LABEL, IN PART: (Can) "New Day * * * California Sardines In Tomato Sauce * * * Contents 15 Oz. Avoir."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (Examination disclosed that the product was short of the declared weight.)

DISPOSITION: January 6, 1950. The Trans-Oceanic Sales Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

15771. Adulteration of frozen whitefish. U. S. v. 50 Boxes * * *. (F. D. C. No. 22779. Sample No. 17079-H.)

LIBEL FILED: April 2, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 14, 1947, by J. Kozloff, from Detroit, Mich.

PRODUCT: 50 100-pound boxes of frozen whitefish at Chicago, Ill.

LABEL, IN PART: "Jumbo Product of Canada Whitefish."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: The J. Kozloff Fish Distributors appeared as claimant and filed an answer to the libel. Subsequently, interrogatories were filed by the claimant and were answered by the Government.

On September 22, 1948, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for salvage of the fit portion, under the supervision of the Food and Drug Administration. Segregation operations resulted in the salvage of 2,040 pounds of the product.

15772. Adulteration of oysters. U. S. v. 93 Pints * * *. (F. D. C. No. 28605 Sample No. 13703-K.)

LIBEL FILED: December 27, 1949, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 19, 1949, by the Crisfield Packing Co., from Crisfield, Md.

PRODUCT: 93 1-pint cans of oysters at Scranton, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: January 20, 1950. Default decree of condemnation and destruction.

15773. Adulteration of oysters. U. S. v. 87 Pints * * *. (F. D. C. No. 28388. Sample No. 12550-K.)

LIBEL FILED: November 25, 1949, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 18, 1949, by Sky Brothers, from Baltimore, Md.

PRODUCT: 87 1-pint cans of oysters at Lemoyne, Pa.

LABEL IN PART: "Oysters Standards * * * 1 Pint Pride of The Chesapeake Oysters Packed by Carol Dryden & Co., Crisfield, Md."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: December 19, 1949. Default decree of condemnation and destruction.

15774. Adulteration of canned shrimp. U. S. v. 49 Cases * * *. (F. D. C. No. 28370. Sample No. 42947-K.)

LIBEL FILED: December 6, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 21, 1949, by the R. G. Lafaye Co., from New Orleans, La.

PRODUCT: 49 cases, each containing 48 5-ounce cans, of shrimp at Chicago, Ill.

LABEL, IN PART: "SU-Z-Q Favorite Wet Pack Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: February 28, 1950. Default decree of condemnation and destruction.

15775. Misbranding of canned shrimp. U. S. v. 23 Cases * * *. (F. D. C. No. 28372. Sample No. 55728-K.)

LIBEL FILED: December 1, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 26, 1949, by the Deepsouth Packing Co., New Orleans, La.

PRODUCT: 23 cases, each containing 48 5-ounce cans, of shrimp at Kansas City, Mo.

LABEL, IN PART: "Pride of New Orleans Brand Shrimp."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the product failed to conform to the standard of fill of container for canned wet pack shrimp in nontransparent containers. The standard for such shrimp provides that the cut-out weight of the shrimp taken from each can shall be not less than 64 percent of the water capacity of the container, and the product failed to bear a statement that it fell below such standard.

DISPOSITION: January 11, 1950. Default decree. The court ordered that the product be delivered to a charitable institution.

15776. Adulteration of frozen shrimp. U. S. v. 55 Cartons * * *. (F. D. C. No. 28361. Sample No. 54355-K.)

LIBEL FILED: November 17, 1949, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 13, 1949, by Iberia Gulf Fisheries, Inc., from Brownsville, Tex.

PRODUCT: 55 5-pound cartons of frozen shrimp at Baton Rouge, La.

LABEL, IN PART: "Frozen Shrimp Culls."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: December 31, 1949. Default decree of condemnation and destruction.

15777. Adulteration of frozen shrimp. U. S. v. 40 Cases, etc. (and 2 other seizure actions). (F. D. C. Nos. 28390, 28391, 28401, 28408. Sample Nos. 61835-K, 61836-K, 61904-K, 61906-K.)

LIBLES FILED: November 29 and 30, Western District of Tennessee.

ALLEGED SHIPMENT: On or about October 20 and November 1, 4, and 12, 1949, by R. E. Roberts, from San Antonio and Brownsville, Tex.

PRODUCT: 211 cases, each containing 10 5-pound cartons, of frozen shrimp at Memphis, Tenn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: On January 6, 1950, the shipper having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be denatured, under the supervision of the Food and Drug Administration. On February 10, 1950, the shipper having abandoned its claim, the court ordered that the product be sold to the highest bidder, to be converted into fertilizer or tankage under the supervision of the Food and Drug Administration. On March 2, 1950, no purchaser having been found, the court ordered that the product be delivered to a public institution, for use as fertilizer.

FRUITS AND VEGETABLES*

CANNED FRUIT

15778. Adulteration of canned gooseberries. U. S. v. 7 Cases * * *. (F. D. C. No. 28571. Sample No. 50799-K.)

LIBLE FILED: December 21, 1949, District of Montana.

ALLEGED SHIPMENT: On or about November 25, 1946, from San Francisco, Calif.

PRODUCT: 7 cases, each containing 6 6-pound, 5-ounce cans, of gooseberries at Butte, Mont.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 6, 1950. Default decree of condemnation. The court ordered that the product be delivered to a State institution, to be denatured for use as animal feed.

15779. Adulteration of canned black raspberries. U. S. v. 391 Cases * * *. (F. D. C. No. 28596. Sample No. 42188-K.)

LIBLE FILED: January 12, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about December 12, 1949, by the Burnette Farms Packing Co., from Hartford, Mich.

PRODUCT: 391 cases, each containing 24 15-ounce cans, of black raspberries at Chicago, Ill.

LABEL, IN PART: "Burnette Farms Black Raspberries."

*See also No. 15751.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy berries.

DISPOSITION: February 23, 1950. Default decree of condemnation and destruction.

15780. Adulteration of canned black raspberries. U. S. v. 161 Cases * * *
(and 3 other seizure actions). (F. D. C. Nos. 27950, 28417, 28558, 28617.)
Sample Nos. 50759-K, 50780-K, 50798-K, 55300-K.)

LIBLES FILED: November 1 and December 6 and 14, 1949, District of Montana, and January 4, 1950, District of Nebraska.

ALLEGED SHIPMENT: On or about July 21, August 30, and October 1, 1949, by Michigan Fruit Canners, Inc., from South Haven, Mich., and Benton Harbor, Mich.

PRODUCT: Black raspberries. 181 cases, each containing 24 15-ounce cans, at Butte, Mont.; 5 cases, each containing 24 15-ounce cans, at Bozeman, Mont.; and 46 cases, each containing 24 1-pound, 4-ounce cans, at Beatrice, Nebr.

LABEL, IN PART: (Can) "Rustic Brand Michigan Black Raspberries" and "Climber Michigan Black Raspberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of (Montana lots) a decomposed substance by reason of the presence of moldy raspberries and (Nebraska lot) decomposed raspberry material.

DISPOSITION: The shipper having appeared as claimant for the Montana lots and having obtained samples of the seized goods, but having subsequently withdrawn its appearance, the court, on March 23, 1950, condemned these lots and ordered them delivered to a State institution, for use as animal feed, after denaturing under the supervision of the United States marshal.

On March 22, 1950, no claimant having appeared for the Nebraska lot, judgment of condemnation and destruction was entered.

DRIED FRUIT

15781. Adulteration of dried dates. U. S. v. 32 Cases * * *. (F. D. C. No. 28415. Sample No. 50786-K.)

LIBLE FILED: December 10, 1949, District of Montana.

ALLEGED SHIPMENT: On or about September 15, 1949, by Long's Date Gardens, from Pasadena, Calif.

PRODUCT: 32 cases, each containing 24 14-ounce baskets, of dried dates at Billings, Mont.

LABEL, IN PART: "Long's Hydrated Dates from California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 31, 1950. Default decree of condemnation and destruction.

15782. Adulteration of prunes. U. S. v. Hudson-Duncan & Co. Plea of nolo contendere. Fine, \$750. (F. D. C. No. 24830. Sample No. 36613-K.)

INDICTMENT RETURNED: November 1, 1948, District of Oregon, against Hudson-Duncan & Co., a corporation, Dundee, Oreg. The indictment alleged that the defendant knowingly and feloniously caused a quantity of prunes to be introduced and delivered for introduction into interstate commerce.

ALLEGED SHIPMENT: On or about November 21, 1947, from the State of Oregon into the State of Washington.

LABEL, IN PART: "Stadium Brand Medium Packed for Pacific Sales Tacoma Wash."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 5, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$750.

15783. Adulteration of raisins. U. S. v. 330 Cartons * * * (and 1 other seizure action). (F. D. C. Nos. 26273, 26274. Sample Nos. 7258-K, 7259-K.)

LIBELS FILED: January 10, 1949, Western District of New York.

ALLEGED SHIPMENT: (Portion of product) on or about August 13, 1948, from Pittsburgh, Pa., and (remainder of product) on or about October 13, 1948, from San Francisco, Calif.

PRODUCT: Raisins. 330 30-pound cartons and 94 30-pound cartons at Buffalo, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 16, 1949. The Hall Baking Co., Buffalo, N. Y., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered the product released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration. Of the goods seized, 219 boxes were destroyed and the remainder were released.

VEGETABLES

15784. Adulteration of canned corn. U. S. v. 950 Cases * * *. (F. D. C. No: 28441. Sample No. 61181-K.)

LIBEL FILED: December 12, 1949, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about October 11, 1949, by the Lancaster Canning Co., from Lancaster, Wis.

PRODUCT: 950 cases, each containing 24 1-pound, 4-ounce cans, of corn at East St. Louis, Ill.

LABEL, IN PART: (Can) "Iona White Sweet Corn Cream Style."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: February 1, 1950. Default decree of condemnation. The court ordered that the product be disposed of by private sale and to be used for feeding animals only, under supervision, or in the event that it could not be sold under such conditions, that it be destroyed.

15785. Adulteration of canned corn. U. S. v. 198 Cases * * *. (F. D. C. No. 28442. Sample No. 72088-K.)

LIBEL FILED: December 14, 1949, Southern District of Indiana.

ALLEGED SHIPMENT: On or about October 6, 1949, by the Lancaster Canning Co., from Lancaster, Wis.

PRODUCT: 198 cases, each containing 24 1-pound, 4-ounce cans, of corn at Muncie, Ind.

LABEL, IN PART: (Can) "County Seat Brand Cream Style White Sugar Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: March 10, 1950. Default decree of forfeiture and destruction. The amount of the product which was seized under the libel, consisting of 136½ cases, was destroyed in accordance with the terms of the decree.

15786. Misbranding of potatoes. U. S. v. 64 Bags * * *. (F. D. C. No. 28458. Sample No. 4681-K.)

LIBEL FILED: December 5, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 7, 1949, by Vaughn Munson, from East Corinth, Maine.

PRODUCT: 64 50-pound bags of potatoes at Worcester, Mass.

LABEL, IN PART: (Bag) "U. S. No. 1 Size A Moosehead 50 lbs. Maine Potatoes."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "U. S. No. 1" was false and misleading as applied to an article which was not "U. S. No. 1" grade.

DISPOSITION: January 9, 1950. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

15787. Misbranding of canned pumpkin. U. S. v. 895 Cases * * *. (F. D. C. No. 28600. Sample No. 75418-K.)

LIBEL FILED: December 22, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about December 7, 1949, by the Bitter Root Canning Co., from Hamilton, Mont.

PRODUCT: 895 cases, each containing 6 unlabeled cans, of pumpkin at Denver, Colo.

NATURE OF CHARGE: Misbranding, Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the product failed to bear a label containing the common or usual name of the food. (No valid agreement for relabeling existed between the consignor and consignee.)

DISPOSITION: February 24, 1950. Meyer Levy, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be properly labeled and reprocessed, under the supervision of the Food and Drug Administration. The product was brought into compliance with the law by the segregation and destruction of 158 cases and 2 cans, which were leakers or otherwise abnormal. The remaining cases were relabeled in compliance with the law. (Editor's note: In addition to being misbranded, a portion of the product was decomposed.)

TOMATOES AND TOMATO PRODUCTS*

15788. Adulteration of canned tomatoes. U. S. v. 750 Cases * * *. (F. D. C. No. 28366. Sample No. 47538-K.)

LIBEL FILED: November 18, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about September 20, 1949, by Vincent Losito & Sons, from Toughkenamon, Pa.

PRODUCT: 750 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Hornell, N. Y.

LABEL, IN PART: "N & N * * * Hand Packed Tomatoes * * * Packed by Earl K. and John H. Norris, Pomeroy, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 27, 1950. Default decree of condemnation and destruction.

15789. Adulteration of canned tomatoes. U. S. v. 74 Cases * * *. (F. D. C. No. 28354. Sample No. 71980-K.)

LIBEL FILED: November 15, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 28, 1949, by the Indiana Mushroom Corp., from West Terre Haute, Ind.

PRODUCT: 74 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Columbus, Ohio.

LABEL, IN PART: "White Fairy Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: On or about January 30, 1950. Default entered. The court ordered that the product be delivered to a Federal institution, for use as stock feed.

15790. Adulteration and misbranding of canned tomatoes. U. S. v. 808 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 27961, 28058, 28243, 28364. Sample Nos. 13588-K, 56790-K, 56791-K, 63013-K.)

LIBELS FILED: October 17 and 28 and November 3 and 19, 1949, Northern District of New York, District of Maine, and Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 16 and 17 and September 3 and 15, 1949, by A. W. Sisk & Son, from Federalsburg, Linkwood, Salem, Seward, and Cambridge, Md.

PRODUCT: 2,699 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Albany and Cohoes, N. Y., Bangor, Maine, and Primos, Pa.

LABEL, IN PART: (Can) "Pine Cone Brand Tomatoes * * * Albert W. Sisk & Son, Distributors—Not Manufacturers" and "Garden of Eden Brand Tomatoes * * * Packed By W. H. Leonard & Sons Cambridge, Maryland."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the article failed to conform to the defi-

*See also Nos. 15752-15754.

nition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes in the definition and standard. Further misbranding, Section 403 (h) (1), a portion (124 cases) of the article was substandard in quality because of the presence of excessive peel, and its label failed to bear a statement that it was below standard.

DISPOSITION: November 29, 1949, and January 5, 26, and 28, 1950. Default decrees of condemnation. The court ordered that 1 lot of the product be destroyed and that the other three lots of the product be delivered to charitable institutions for their use, and not for sale.

15791. Misbranding of canned tomatoes. U. S. v. 978 Cases * * *. (F. D. C. No. 27232. Sample No. 1235-K.)

LIBEL FILED: May 25, 1949, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about November 12 and 18, 1948, by the Powell Brokerage Co., from Litwalton, Va.

PRODUCT: 978 cases, each containing 24 cans, of tomatoes at Rockingham, N. C.

LABEL, IN PART: (Can) "Ridgefield Brand Tomatoes 1 Lb. 3 Oz. Net Packed by Virginia Food Products, Ltd., Litwalton, Va."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short of the declared weight.)

Further misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes, because of excessive peel and blemishes, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: March 17, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for its use, and not for sale.

15792. Misbranding of canned tomatoes. U. S. v. 747 Cases * * *. (F. D. C. No. 28363. Sample No. 56789-K.)

LIBEL FILED: November 19, 1949, Northern District of New York.

ALLEGED SHIPMENT: On or about August 17, 1949, by Albert W. Sisk & Son, from Salem, Md.

PRODUCT: 747 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Troy, N. Y.

LABEL, IN PART: (Can) "Pine Cone Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes, because of excessive peel, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: January 26, 1950. Default decree of condemnation and destruction.

15793. Adulteration of tomato puree. U. S. v. 377 Cases * * *. (F. D. C. No. 28601. Sample No. 41959-K.)

LIBEL FILED: December 27, 1949, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about October 10, 1949, by the Blue River Packing Co., from Morristown, Ind.

PRODUCT: 377 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Milwaukee, Wis.

LABEL, IN PART: "Roundy's White Label Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: January 27, 1950. Default decree of condemnation and destruction.

15794. Adulteration of tomato sauce. U. S. v. 125 Cases * * *. (F. D. C. No. 27939. Sample No. 54265-K.)

LIBEL FILED: October 24, 1949, Western District of Louisiana.

ALLEGED SHIPMENT: On or about July 18, 1949, by the Sabine Valley Canning Co., Haslam, Tex.

PRODUCT: 125 cases of tomato sauce at Shreveport, La.

LABEL, IN PART: "Sabine Valley Brand Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts and insect eggs, and of a decomposed substance by reason of the presence of decomposed tomato material; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 27, 1950. Default decree of condemnation and destruction.

NUTS

15795. Adulteration of cashew nuts. U. S. v. 57 Tins * * *. (F. D. C. No. 27943. Sample No. 32539-K.)

LIBEL FILED: October 25, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about July 26, 1949, by Wm. A. Higgins & Co., Inc., from New York, N. Y.

PRODUCT: 57 25-pound tins of cashew nuts at San Francisco, Calif.

LABEL, IN PART: "Shelled Cashew Nuts Packed by Danalaxmi Vilas Cashew Company, Quilon, S. India" and "Blanched Cashew Kernels Packed By Southern India Cashew Co., Kundara, S. India."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: December 7, 1949. Wm. A. Higgins & Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purposes of fumigation, reconditioning, and otherwise bringing the product into compliance with the law, under the supervision of the Federal Security Agency. A total of 190 pounds of the product was found unfit and was denatured out of the total of 1,401 pounds which actually had been seized.

15796. Adulteration of mixed nuts and brazil nuts. U. S. v. 50 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 27960, 27966. Sample Nos. 46750-K, 46751-K.)

LIBELS FILED: November 4, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 22 and October 13, 1949, by Wm. A. Higgins & Co., Inc., from New York, N. Y.

PRODUCT: 50 cases, each containing 25 1-pound packages, of brazil nuts, and 48 cases, each containing 25 1-pound packages, of mixed nuts, at Pittsburgh, Pa.

LABEL, IN PART: "Sun-Glo Extra Large Polished Brazil Nuts" and "Mistletoe Brand Mixed Nuts * * * Walnuts Brazils Filberts Almonds Pecans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the brazil nuts consisted in whole or in part of a decomposed substance by reason of the presence of moldy nuts, and they were otherwise unfit for food by reason of the presence of empty shells; and the mixed nuts consisted in part of a decomposed substance by reason of the presence of moldy brazil nuts.

DISPOSITION: March 16, 1950. Default decrees of condemnation. The court ordered that the products be distributed to charitable institutions, with the understanding that the nuts be cracked and that the bad nuts be destroyed.

15797. Adulteration of shelled raw peanuts. U. S. v. 152 Sacks * * *. (F. D. C. No. 27208. Sample No. 48468-K.)

LIBEL FILED: May 11, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 10, 1948, from Dawson, Ga.

PRODUCT: 152 sacks, each containing 125 pounds, of shelled raw peanuts at Bethlehem, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live larvae. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 20, 1949. Just Born, Inc., Bethlehem, Pa., claimant, having consented to the entry of the decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by cleaning, assorting, and destroying the bad peanuts, under the supervision of the Food and Drug Administration. The segregation operations, which were completed on October 18, 1949, resulted in the destruction of approximately 125 pounds of the product.

15798. Adulteration of pecan halves. U. S. v. 72 Boxes * * *. (F. D. C. No. 28374. Sample No. 72074-K.)

LIBEL FILED: November 23, 1949, Western District of Kentucky.

ALLEGED SHIPMENT: On or about September 9, 1949, by the Orangeburg Pecan Co., from Orangeburg, S. C.

PRODUCT: 72 25-pound boxes of pecan halves at Louisville, Ky.

LABEL, IN PART: "Pecan Amber Halves."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and otherwise decomposed pecans.

DISPOSITION: January 25, 1950. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

15799. Adulteration of pecan halves. U. S. v. 4 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 27952, 28586. Sample Nos. 44891-K, 44898-K, 69039-K.)

LIBELS FILED: November 1 and December 20, 1949, District of Minnesota and Western District of New York.

ALLEGED SHIPMENT: On or about September 19 and November 14, 1949, by the Orangeburg Pecan Co., from Orangeburg, S. C.

PRODUCT: 6 30-pound cases of pecan halves at Minneapolis, Minn., and Rochester, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed pecan meats.

DISPOSITION: January 23 and February 10, 1950. Default decrees of condemnation. The court ordered that the New York lot of the product be destroyed, and that the Minnesota lot be destroyed unless it was properly denatured and disposed of as animal feed.

15800. Adulteration of salted pistachios. U. S. v. 10 Bags * * *. (F. D. C. No. 28365. Sample No. 50773-K.)

LIBEL FILED: November 18, 1949, District of Montana.

ALLEGED SHIPMENT: On or about August 31, 1949, from Portland, Oreg.

PRODUCT: 10 bags, each containing 12 3½-ounce cellophane packages, of salted pistachios at Butte, Mont.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 21, 1950. Default decree of condemnation and destruction.

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U. S. DEPARTMENT OF AGRICULTURE

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

15801-15850

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., June 22, 1950.

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CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

15801. Action to enjoin and restrain the introduction into interstate commerce and the manufacture in the District of Columbia of adulterated bakery products. U. S. v. Samuel Rubenstein (New York K. & R. Bakery). Temporary injunction granted; affirmed on appeal to United States Court of Appeals. Injunction subsequently dissolved on consent of parties. (Inj. No. 67.)

COMPLAINT FILED: On or about September 15, 1944, District of Columbia, against Samuel Rubenstein, trading as the New York K. & R. Bakery, Washington, D. C. The complaint charged that the defendant had been and was at the time of filing the complaint, introducing or delivering into interstate commerce and within the District of Columbia, bakery products that were adulterated, and was also manufacturing, in the District of Columbia, bakery products that were adulterated.

NATURE OF CHARGE: The complaint alleged further that on April 19, May 15, and July 12, 1944, inspections of the premises disclosed that the flour stored therein was infested with adult weevils and showed evidence of rodent depredation; that the raw materials used in the manufacture of the bakery products were weevil-infested; that the manufacturing equipment was contaminated with flies feeding on liquid eggs and uncooked dough; that examination of materials used in the manufacture of the bakery products disclosed external contamination by grain beetles, silverfish, moths, and roaches; that rodent excreta, pellets, and gnawed pieces of bread were accumulated with other miscellaneous debris on the premises; and that numerous other objectionable conditions existed in the plant.

Samples of bakery products purchased from the defendant's establishment were found to contain rodent hair fragments, larvae head capsules, storage insect fragments, and mites.

PRAYER OF COMPLAINT. That the defendant and his employees be enjoined from introducing or delivering for introduction into interstate commerce and from manufacturing within the District of Columbia any food that is adulterated.

DISPOSITION: On November 29, 1944, the defendant having filed a motion to dismiss the injunction, a hearing was held on that motion and on the Government's motion for a preliminary injunction. Subsequently the court overruled the defendant's motion and granted the Government's motion for a preliminary injunction. On January 31, 1945, the defendant filed a notice of appeal to the United States Court of Appeals for the District of Columbia.

On June 11, 1945, a motion having been filed by the Government to hold the defendant in contempt for violation of the preliminary injunction, and the defendant having filed a motion to suspend the restraining order pending termination of appeal, the court denied the defendant's motion and found the defendant in contempt. On August 1, 1945, however, on consent of the parties, the matter was reopened and the motion to hold the defendant in contempt was denied.

On January 14, 1946, the United States Court of Appeals for the District of Columbia affirmed the decree of injunction, handing down the following opinion:

EDGERTON, Associate Justice: "This appeal is from a decree which restrains appellant, a Washington baker, from manufacturing or introducing into com-

merce in the District of Columbia 'any food that consists in whole or in part of filthy or putrid substances or has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.' The court found that appellant had been doing these things. Appellant does not question the findings. His contention is that because his business is a local one, carried on entirely within the District of Columbia, the Federal Food, Drug, and Cosmetic Act¹ under which action was brought by the United States does not apply.

"Section 331 of the Federal Act prohibits '(a) the introduction . . . into interstate commerce of any food . . . that is adulterated . . . (g) The manufacture within any Territory of any food . . . that is adulterated . . .' Section 321 defines 'Territory' as 'including the District of Columbia' and defines 'interstate commerce' as '(1) commerce between any State or Territory and any place outside thereof, and (2) commerce within the District of Columbia or within any other Territory . . .' Section 342 provides that food shall be deemed 'adulterated . . . (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or (4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.' With exceptions not material here, section 332 gives the district courts jurisdiction to restrain violations of section 331.

"On their face the quoted provisions of the Federal Act support the decree appealed from. Appellant's attack upon the decree rests on the premise that these provisions of the Federal Act 'parallel in substantially every respect the local laws and regulations upon this subject of adulterated foods.' From this premise appellant derives the conclusion that the Federal Act, despite its plain language, is not applicable to local business in the District of Columbia.

"We find that both appellant's premise and his conclusion are incorrect.

"Chapter 1 of Title 33 of the District of Columbia Code forbids sale or delivery, or possession for sale, of 'any article of food or drug which is adulterated within the meaning of this chapter.'² It does not expressly cover manufacture. It covers only specified kinds of food. These include bread, but do not appear to include the other bakery products to which the Federal Act, the evidence against appellant, and the injunction relate. This local act defines bread as 'adulterated . . . if there is any addition of alum, sulphate of copper, borax, or sulphate of zinc, or other poisonous or harmful ingredient, and if it contains more than thirty-one per centum of moisture, more than two per centum of ash, and less than six and twenty-five one-hundredths per centum of albuminoids.'³ This language appears to be aimed at deliberate adulteration rather than carelessness and filth. This is made clearer by a proviso that no offense is committed if the purchaser's 'order calls for an article . . . inferior to such standard, or where such difference is made known by being plainly written or printed on the package.' No one contends that appellant deliberately inserted in his goods the filth and rodents which they were proved to contain. Moreover the ingredients named in the local act are vastly different from the filthy and putrid substances named in the Federal Act.

"The local act of December 16, 1941, 'To prevent the sale of unwholesome food in the District of Columbia,'⁴ forbids sale of any food which is 'unwholesome or unfit for use.' It does not, as the Federal Act and the injunction do, cover manufacture as well as sale. It does not, as they do, cover food which is 'adulterated' without being 'unwholesome or unfit for use.'

"It is not clear that these local acts prohibit, as the Federal Act does, all of the misconduct which appellant has committed and which the injunction forbids. Moreover these local acts do not specifically provide, as the Federal Act does, for restraint of such misconduct by injunction. The remedies provided by the local acts are condemnation of unwholesome food, criminal prosecution, and revocation of licenses.⁵ Revocation of a license is a drastic remedy which

¹ June 25, 1938; 52 Stat. 1040, U. S. C. title 21 §§ 301-392.

² D. C. Code, 1940, § 33-101; 30 Stat. 246.

³ § 33-103 (b) ninth.

⁴ D. C. Code, 1940, Supp. IV §§ 22-3416 to 22-3422; 55 Stat. 807.

⁵ Bakeries are licensed under the General License Law of the District of Columbia. D. C. Code, 1940, §§ 47-2301, 47-2327; 47 Stat. 550, 554. This law authorizes the Commissioners to revoke licenses in the interest of health, and provides for criminal prosecutions. Code, §§ 47-2345, 47-2346; 47 Stat. 563.

prevents proper operations as effectually as improper ones. Criminal convictions for commercial carelessness are rare, and the maximum penalty on conviction under the local acts is a fine of \$300 or imprisonment for 90 days.⁶ An injunction is a relatively simple matter and carries with it a prospect of contempt proceedings if the forbidden acts are continued.

"We conclude that the provisions of the Federal Act which are involved in this case are not closely paralleled by local law. But even if they were, it would not follow that the local law would supersede the federal instead of supplementing it.⁷ When a subject is covered both by a general law which does not mention the District of Columbia and by a local law which provides expressly for the District, a question may arise as to whether Congress did or did not have the District in mind in enacting the general law.⁸ But when a general law expressly mentions the District, as the Federal Food, Drug, and Cosmetic Act does, it can hardly be contended that Congress did not have the District in mind when it passed the law.⁹ Congress has 'followed its usual policy of extending legislation based on the commerce power to the same substantive acts taking place wholly within the District.'¹⁰ And in order to preclude any possibility that the local act of 1941, 'To prevent the sale of unwholesome food in the District of Columbia,' might be interpreted as exclusive, Congress expressly provided that the local Act 'shall in no respect be considered as a repeal of any of the provisions of the Federal Food, Drug, and Cosmetic act, but shall be construed as supplemental thereto.'¹¹ Congress could hardly have expressed more clearly its continuing intention that all provisions of the Federal Act should be enforced, in accordance with their terms, in the District of Columbia. The Commissioners of the District, as *amici curiae* in the present proceeding, express the opinion that the public will be best protected by the combined efforts of the federal and the District food inspection services. Congress appears to have taken the same view."

"Affirmed."

Subsequent inspections having indicated that the defendant was operating in compliance with the law, a precipe signed by the parties was filed on November 19, 1947, agreeing to the dissolution of the injunction.

15802. Misbranding of pretzels. U. S. v. 50 Boxes * * *. (F. D. C. No. 23158. Sample No. 66541-H.)

LIBLE FILED: On or about June 4, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about April 23, 1947, by Bachman Bakeries, Inc., from Reading, Pa.

PRODUCT: 50 boxes, each containing 12 12-ounce cartons, of pretzels at Margate City, N. J. Each carton contained 1 wax paper bag of the product.

LABEL, IN PART: (Carton) "Bachman Oven Fresh Extra Thin Pretzels Net Weight 12 Ounces."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container was so filled as to be misleading since the bag of pretzels in the carton occupied only about 65 percent of the volume of the carton.

DISPOSITION: January 27, 1950. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

⁶ D. C. Code, §§ 22-3421, 47-2347.

⁷ *Nuckols v. United States*, 69 App. D. C. 120, 99 F. 2d 353. Cf. *Page v. Burnstine*, 102 U. S. 664.

⁸ *Johnson v. United States*, 225 U. S. 405, 413, 32 S. Ct. 748, 56 L. Ed. 1142; *Kleindienst v. United States*, 48 App. D. C. 190, 202; *O'Brien v. United States*, 69 App. D. C. 135, 99 F. 2d 368.

⁹ *United States v. Beach*, 324 U. S. 193.

¹⁰ *Ibid.*, p. 195. The Pure Food and Drugs Act of 1906, 34 Stat. 768, was repeatedly held to be applicable, according to its terms, to local activity in the District. *Galt v. United States*, 39 App. D. C. 470; *Dade v. United States*, 40 App. D. C. 94. It was also held to supersede certain provisions of an earlier local law. *District of Columbia v. Coburn*, 35 App. D. C. 324.

¹¹ D. C. Code, § 22-3422.

FLOUR

Nos. 15803 to 15806 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.)

15803. Adulteration of self-rising flour and phosphated flour. U. S. v. 351 Bags, etc. (F. D. C. No. 28256. Sample Nos. 63728-K to 63731-K, incl.)

LIBEL FILED: On or about November 5, 1949, Northern District of Florida.

ALLEGED SHIPMENT: On or about March 23, April 30, June 9, and July 27, 1949, from Hutchinson, Kans.

PRODUCT: 351 25-pound bags and 120 10-pound bags of self-rising flour and 50 25-pound bags of phosphated flour at Blountstown, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 21, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as stock feed.

15804. Adulteration of self-rising flour. U. S. v. 144 Bags, etc. (F. D. C. No. 28252. Sample Nos. 63795-K, 63796-K.)

LIBEL FILED: November 1, 1949, Northern District of Georgia.

ALLEGED SHIPMENT: On or about February 21, 1949, from Trenton, Ill.

PRODUCT: 144 25-pound bags and 17 50-pound bags of self-rising flour at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 13, 1950. The Fulton Feed & Grocery Co., Atlanta, Ga., claimant, having consented to the entry of a decree, judgment was entered providing for the release of the product under bond for segregation and conversion of the unfit portion into stock feed, under the supervision of the Federal Security Agency. On January 30, 1950, all of the product was denatured for use as animal feed.

15805. Adulteration of cake and pastry flour. U. S. v. 200 Bags * * *. (F. D. C. No. 28238. Sample Nos. 57311-K, 57312-K.)

LIBEL FILED: October 27, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about September 16, 1949, by Weisheimer Brothers, from Columbus, Ohio.

PRODUCT: 400 100-pound bags of cake and pastry flour at Brooklyn, N. Y.

LABEL, IN PART: "Softlite Extra Fancy Cake Flour" and "Soft Wheat White Velvet Pastry Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had

been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 15, 1950. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

15806. Adulteration of whole wheat flour. U. S. v. 84 Bags * * *. (F. D. C. No. 28491. Sample No. 62323-K.)

LIBLE FILED: On or about December 27, 1949, District of Rhode Island.

ALLEGED SHIPMENT: On or about October 21, 1949, from Winona, Minn.

PRODUCT: 84 100-pound bags of whole wheat flour at Saylesville, R. I., in possession of the Lonsdale Bakery Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 16, 1950. Default decree of condemnation and destruction. The product was delivered to a State institution, for use as animal feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

15807. Adulteration of popcorn. U. S. v. 82 Bags * * *. (F. D. C. No. 28577. Sample No. 71261-K.)

LIBLE FILED: December 21, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about October 6, 1949, from Lawrence, Kans.

PRODUCT: 82 100-pound bags of popcorn at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 20, 1950. Barteldes Seed Co., Lawrence, Kans., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was fumigated and cleaned, and 7,964 pounds were salvaged.

15808. Adulteration of popcorn. U. S. v. 31 Bags * * * (and 1 other seizure action). (F. D. C. No. 28353. Sample No. 49869-K.)

LIBLES FILED: November 18, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about October 11, 1949, by the J. A. McCarty Seed Co., from Evansville, Ind.

PRODUCT: 75 100-pound bags of popcorn at Denver, Colo.

LABEL, IN PART: "Lucky Jim Pop Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects,

insect fragments, rodent excreta, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 23, 1950. The J. A. McCarty Seed Co. having executed Acceptance of Service and Authorization for taking of final decree, judgments of condemnation were entered and the court ordered that the product be prepared for use as animal feed, under the supervision of the Food and Drug Administration, and that it be sold by the marshal.

15809. Adulteration of popcorn. U. S. v. 49 Cases * * *. (F. D. C. No. 28402. Sample No. 52350-K.)

LIBEL FILED: December 15, 1949, Northern District of Tennessee.

ALLEGED SHIPMENT: On or about October 17, 1949, by the Indiana Pop Corn Co., from Muncie, Ind.

PRODUCT: 49 cases, each containing 24 10-ounce packages, of popcorn at Knoxville, Tenn.

LABEL, IN PART: "Hoosier Pride Pop * * * Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live insects.

DISPOSITION: January 24, 1950. Default decree of condemnation and destruction.

15810. Adulteration of brewers corn flakes. U. S. v. 500 Bags * * *. (F. D. C. No. 28503. Sample No. 48707-K.)

LIBEL FILED: December 28, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 28, 1949, from Geneva, N. Y.

PRODUCT: 500 100-pound bags of brewers corn flakes at Reading, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 3, 1950. Default decree of condemnation and destruction.

CONFECTIONERY

CANDY

15811. Adulteration of candy. U. S. v. 9 Cartons * * * (and 5 other seizure actions). (F. D. C. Nos. 28495, 28509 to 28512, incl., 28667. Sample Nos. 62575-K, 63153-K to 63155-K, incl., 63178-K, 63385-K, 63386-K.)

LIBELS FILED: December 22 and 30, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 14, 19, 23, and 29, 1949, by Kazarian Brothers, from Providence, R. I.

PRODUCT: Candy. 9 10-pound cartons at Taunton, Mass.; 250 1-pound boxes at Springfield, Mass.; 11 10-pound cartons and 94 1-pound boxes at Quincy, Mass.; 100 1-pound boxes at New Bedford, Mass.; and 13 cartons, each containing 26 1-pound boxes, at Fall River, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent

hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.
DISPOSITION: February 13, 1950. Default decrees of condemnation and destruction.

15812. Adulteration of candy. U. S. v. 92 Boxes, etc. (F. D. C. No. 28468.)
Sample Nos. 50081-K to 50086-K, incl.)

LIBEL FILED: December 9, 1949, District of Alaska.

ALLEGED SHIPMENT: On or about November 17, 1949, by Frederick & Nelson, from Seattle, Wash.

PRODUCT: 224 boxes of candy at Anchorage, Alaska. The boxes were of various sizes, ranging from 6 ounces to 2 pounds.

LABEL, IN PART: "Frango Mints," "P. R. Mints," "Frederick & Nelson Since 1890 Gift Package Chocolates," and "French Mints."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 17, 1950. Default decree of forfeiture and destruction.

15813. Adulteration of candy. U. S. v. 9 Tins, etc. (F. D. C. No. 28582.) Sample Nos. 34401-K to 34407-K, incl.)

LIBEL FILED: December 20, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about November 2, 1949, by Frederick & Nelson, from Seattle, Wash.

PRODUCT: Candy. 20 14-ounce tins and 35 8-ounce packages at San Francisco, Calif.

LABEL, IN PART: "Frango Mints," "Mokas Coffee Frango," and "Jamacas Rum Frango."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 13, 1950. The sole intervenor having consented to the entry of a decree, judgment of condemnation and destruction was entered.

15814. Adulteration of chocolate novelties. U. S. v. 115 Dozen Boxes * * *. (F. D. C. No. 28486.) Sample Nos. 67129-K to 67138-K, incl.)

LIBEL FILED: December 16, 1949, District of Columbia.

ALLEGED SHIPMENT: On or about October 14 and November 16, 1949, by A. Newberg & Co., Inc., from New York, N. Y.

PRODUCT: 115 dozen boxes of chocolate novelties at Washington, D. C.

LABEL, IN PART: "Product of Czechoslovakia Chocolate Umbrella [or "Elephant" or other descriptive designation]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of larvae and insect webbing.

DISPOSITION: January 13, 1950. Default decree of condemnation. The court ordered that the product be delivered to the National Zoological Park, for use as animal feed.

15815. Misbranding of candy. U. S. v. 4 Cases * * *. (F. D. C. No. 28394. Sample No. 50785-K.)

LABEL FILED: November 30, 1949, District of Montana.

ALLEGED SHIPMENT: On or about October 10, 1949, by the Atlantic Candy Co., from Brooklyn, N. Y.

PRODUCT: 4 cases, each containing 12 boxes, of candy at Bozeman, Mont.

LABEL, IN PART: (Boxes) "Mel-O-Pops * * * Net Weight 1 Oz. or over."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the boxes contained less than 1 ounce, the declared weight.

DISPOSITION: February 21, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

SUGAR

15816. Adulteration of cane sugar. U. S. v. 379 Bags * * *. (F. D. C. No. 27731. Sample No. 49540-K.)

LABEL FILED: August 31, 1949, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about August 15, 1949, by Swift & Co., from Denver, Colo. This was a return shipment.

PRODUCT: 379 100-pound bags of cane sugar at Lockport, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product contained excessive moisture and was decomposed.)

DISPOSITION: November 17, 1949. Valentine Sugars, Inc., New Orleans, La., claimant, having consented to the entry of a decree, the court ordered that the product be released under bond to be converted into turbinado sugar, under the supervision of the Food and Drug Administration.

15817. Adulteration of cane sugar. U. S. v. 110 Bags * * *. (F. D. C. No. 27740. Sample No. 51889-K.)

LABEL FILED: On or about September 13, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 23 and 30, 1947, from New York, N. Y.

PRODUCT: 110 100-pound bags of cane sugar at Fayette, Ohio, in possession of the Fayette Canning Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, rodent excreta, and rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 2, 1949. The Fayette Canning Co., having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was re-refined.

DAIRY PRODUCTS**BUTTER**

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 15818 to 15820, and that was below the legal standard for milk fat content, Nos. 15820 and 15821.

15818. Adulteration of butter. U. S. v. 10 Boxes (320 pounds) * * *. (F. D. C. No. 28332. Sample No. 52235-K.)

LIBEL FILED: October 4, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 19, 1949, by Young & Staut, from Clarksburg, W. Va.

PRODUCT: 10 32-pound boxes of butter at Cincinnati, Ohio.

LABEL, IN PART: "Meadow Gold Butter * * * Distributed by Beatrice Foods Co. General Offices—Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fragments of insects, fragments of flies, and rodent hair fragments.

DISPOSITION: December 21, 1949. Default decree of condemnation. The court ordered that the product be denatured under the supervision of the United States marshal and that it be disposed of for purposes other than for human consumption.

15819. Adulteration of butter. U. S. v. 6 Cases * * *. (F. D. C. No. 28334. Sample No. 62672-K.)

LIBEL FILED: On or about October 20, 1949, District of Rhode Island.

ALLEGED SHIPMENT: On or about September 17, 1949, by the Cudahy Packing Co., from Winfield, Iowa.

PRODUCT: 6 cases, each containing 32 1-pound prints, of butter at Providence, R. I.

LABEL, IN PART: "Daisy Maid Brand Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. (Analysis disclosed that the product contained insect fragments, fly eggs, setae, moth scales, mites, feather barbules, and rodent hair fragments.)

DISPOSITION: November 30, 1949. Default decree of condemnation and destruction.

15820. Adulteration and misbranding of butter. U. S. v. 216 Boxes (13,824 pounds) * * *. (F. D. C. No. 28555. Sample No. 64069-K.)

LIBEL FILED: October 28, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about October 7, 1949, by Linton Creamery Co., Inc., from Linton, N. Dak.

PRODUCT: 216 boxes, each containing 64 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Butter Manufactured from Pasteurized Cream Beaver Valley Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, and decomposed substance. (Analyses

of samples disclosed the presence of fly fragments, insect parts, rodent hairs, mites, feather fragments, and manure.) Further adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), the label statement "Butter" was false and misleading.

DISPOSITION: November 9, 1949. William Ludwig, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the portion contaminated with filth be segregated and disposed of as soap stock and that the portion which was low in fat, but which was otherwise good, be reworked to the legal 80 percent of milk fat. Of the 216 boxes seized, 22 boxes were denatured for use as soap stock and 59 boxes were reworked to the proper fat content.

15821. Adulteration and misbranding of butter. U. S. v. 113 Cartons (7,232 pounds) * * *. (F. D. C. No. 28548. Sample No. 56692-K.)

LIBEL FILED: On or about December 9, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about November 28, 1949, by the Hills Cooperative Creamery Co., from Hills, Minn.

PRODUCT: 113 64-pound cartons of butter at New York, N. Y.

LABEL, IN PART: "Butter—Distributed By Zenith-Godley Co. N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), the label statement "Butter" was false and misleading.

DISPOSITION: December 21, 1949. Zenith-Godley Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be printed into 1-pound prints and the butterfat content raised to a minimum of 80 percent, under the supervision of the Food and Drug Administration.

CHEESE

15822. Adulteration of Cheddar cheese. U. S. v. Louis Alleman and Dorothy Radtke (Supreme Dairy Products Co.). Pleas of guilty. Fine of \$2,500 against each defendant. (F. D. C. No. 28096. Sampls Nos. 7292-K, 7878-K, 42920-K.)

INFORMATION FILED: January 18, 1950, Southern District of Illinois, against Louis Alleman and Dorothy Radtke, trading as the Supreme Dairy Products Co., a partnership, at Macomb, Ill.

ALLEGED VIOLATIONS: Between the approximate dates of May 20 and July 1, 1949, the defendants caused quantities of adulterated cheese to be introduced into interstate commerce at Macomb, Ill., for delivery to Curwensville, Pa.

The defendants caused also to be given a false guaranty with respect to a quantity of adulterated cheese which they delivered on or about June 24, 1949, within the State of Illinois to the holder of the guaranty, who was engaged in the business of introducing and delivering for introduction into interstate commerce quantities of cheese. The guaranty had been given by the defendants to the holder of the guaranty, prior to June 24, 1949, and it provided, among other things, that no cheese shipped or sold by the defendants

would be adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, insects, rodent hairs, feather fragments, and manure; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 23, 1950. Pleas of guilty having been entered, the court imposed a fine of \$2,500 against each defendant.

15823. Adulteration of goat cheese. U. S. v. 3 Kegs * * *. (F. D. C. No. 28393. Sample No. 61459-K.)

LIBEL FILED: November 30, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 26, 1949, by G. A. Dardanes, from Trinidad, Colo.

PRODUCT: 3 100-pound kegs of goat cheese at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs, fly egg sacs, maggots, and nondescript dirt.

DISPOSITION: December 28, 1949. Default decree of condemnation and destruction.

FEEDS AND GRAINS

15824. Adulteration and misbranding of alfalfa meal. U. S. v. 688 Sacks * * *. (F. D. C. No. 27113. Sample No. 39590-K.)

LIBEL FILED: On or about May 11, 1949, Eastern District of Texas.

ALLEGED SHIPMENT: On or about December 15, 1948, by Saunders Mills, Inc., from Big Bend, Colo.

PRODUCT: 688 unlabeled sacks of alfalfa meal at Palestine, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold; and, Section 402 (b) (2), peanut hay, cereal grasses, weedy plants, and other foreign material had been substituted in whole or in part for alfalfa meal.

Misbranding, Section 403 (i) (1), the label of the article failed to bear the common or usual name of the food.

DISPOSITION: October 10, 1949. Saunders Mills, Inc., having appeared as claimant and subsequently withdrawn its claim, judgment of condemnation was entered and the court ordered that the product be destroyed. The product was delivered to a Federal institution and used as fertilizer.

15825. Misbranding of dog and cat food. U. S. v. 270 Cases * * *. (F. D. C. No. 28231. Sample No. 11992-K.)

LIBEL FILED: October 25, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about September 13, 1949, by the Blue Ribbon Packing Co., from Collinsville, Ill.

PRODUCT: 270 cases, each containing 48 cans, of dog and cat food at Valley Stream, L. I., N. Y. Examination showed that the product was a mixture of horse meat, cereal, and charcoal, and that it was short of the declared weight.

LABEL, IN PART: (Can) "Blue Ribbon Pure Horsemeat Charcoal Added Dogs Love It Net Weight 15 Ozs. For Dogs and Cats."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Pure Horsemeat Charcoal Added" was false and misleading as applied to a mixture of horse meat, cereal, and charcoal; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: December 9, 1949. The Blue Ribbon Packing Co., St. Louis, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

FRUITS AND VEGETABLES

CANNED FRUIT

15826. Adulteration of canned black raspberries. U. S. v. 153 Cases * * *. (F. D. C. No. 28576. Sample No. 72003-K.)

LIBEL FILED: December 16, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 13, 1949, by the Michigan Fruit Canners, Inc., from Benton Harbor, Mich.

PRODUCT: 153 cases, each containing 24 1-pound, 4-ounce cans, of black raspberries at Columbus, Ohio.

LABEL, IN PART: "Dolly Madison Brand Water Pack Michigan Black Raspberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy berries.

DISPOSITION: March 13, 1950. Default decree of destruction.

DRIED FRUIT

15827. Adulteration of dried peaches. U. S. v. 25 Cases * * *. (F. D. C. No. 28448. Sample No. 34197-K.)

LIBEL FILED: On or about December 29, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about October 24, 1949, by the Bonner Packing Co., from Fresno, Calif.

PRODUCT: 25 25-pound cases of dried peaches at Tampa, Fla.

LABEL, IN PART: "Mayfair Brand Choice Recleaned Muir Peaches Packed by Mayfair Packing Company, San Jose, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: January 24, 1950. Default decree of condemnation and destruction.

FROZEN FRUIT

15828. Adulteration of frozen blueberries. U. S. v. 1,063 Cans, etc. (F. D. C. No. 28459. Sample Nos. 63021-K, 63023-K.)

LIBEL FILED: December 5, 1949, District of Maine.

ALLEGED SHIPMENT: On or about September 1 and 5, 1949, from Dolbeau, Quebec, Canada.

PRODUCT: 1,750 cans, each containing 20-pounds, of frozen blueberries at Portland, Maine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy blueberries. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 27, 1950. No claim having been filed with respect to the product, judgment of condemnation was entered and the court ordered that the product be destroyed.

15829. Adulteration of frozen black raspberries. U. S. v. 18 Cans, etc. (F. D. C. No. 28564. Sample No. 72004-K.)

LIBEL FILED: December 14, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 10, 1949, by the Lawrence Frozen Foods Co., from Lawrence, Mich.

PRODUCT: 94 25-pound cans of frozen black raspberries at Columbus, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy berries.

DISPOSITION: February 7, 1950. Default decree of destruction.

MISCELLANEOUS FRUIT PRODUCTS

15830. Adulteration and misbranding of peach fountain fruit and pineapple fountain fruit. U. S. v. 23 Cases * * * (and 4 other seizure actions). Tried to the court. Verdict for Government. Decree of condemnation. (F. D. C. Nos. 22292, 22302, 22303, 22317, 22918. Sample Nos. 43178-H, 43196-H, 69701-H, 69702-H, 90735-H.)

LIBELS FILED: Between the approximate dates of February 18 and April 10, 1947, Western District of Virginia, Northern District of Illinois, and Eastern District of Tennessee.

ALLEGED SHIPMENT: Four lots of fountain fruits were shipped on or about November 7, 11, 12, and 20, 1946, by Southland Preserving Co., Inc., from Chattanooga, Tenn., and 1 other lot was returned to the company in a shipment made from Washington, D. C., on or about January 31, 1947.

PRODUCT: 471 cases, each containing 24 14-ounce jars, of fountain fruit at Radford and Roanoke, Va., Chicago, Ill., and Chattanooga, Tenn.

LABEL, IN PART: (Jars) "Southland Peach Fountain Fruit (Delicious as a Spread) Contains: Peach, Grain Syrup, Sugar, Citric Acid, Vegetable Gums, and $\frac{1}{10}$ of 1% Sodium Benzoate," "Tara [or "Southland"] Pineapple Fountain Fruit Contains: Pineapple, Sugar, Honey, Grain Syrup, Citric Acid, Vegetable Gums, and $\frac{1}{10}$ of 1% Sodium Benzoate," and "Tara * * * Pineapple Fountain Fruit Contains: Pineapple, Pear, Peaches, Sugar, Grain Syrup, Citric Acid, Vegetable Gums and $\frac{1}{10}$ of 1% sodium benzoate."

NATURE OF CHARGE: Peach fountain fruit. Adulteration, Section 402 (b) (2), a substance consisting primarily of a mixture of peaches and sugar, or sugars, and having a soluble-solids content of less than 65 percent, had been substituted for peach preserves. Misbranding, Section 403 (g) (1), the article purported to be peach preserves, and it failed to conform to the definition and standard of identity for peach preserves since the soluble-solids content

of the article was less than 65 percent, the minimum permitted by the standard.

Pineapple fountain fruit. Adulteration, Section 402 (b) (2), a product of less than 68 percent soluble-solids content, two of the three lots consisting primarily of a mixture of pineapple and sugar or sugars and the third lot consisting primarily of a mixture of pineapple with pear, peaches, sugar, or sugars, had been substituted for pineapple preserves. Misbranding, Section 403 (g) (1), all lots of the article purported to be pineapple preserves, and they failed to conform to the definition and standard of identity for pineapple preserves since the soluble-solids content of the article was less than 68 percent, the minimum permitted by the definition and standard. Further misbranding Section 403 (a), the name "Pineapple Fountain Fruit" borne on the label of the article was false and misleading as applied to the portion of the article which contained pear and peaches in addition to pineapple.

DISPOSITION: Upon petition of the Southland Preserving Co., Inc., claimant, an order was entered directing the consolidation of the various libel actions for trial in the Eastern District of Tennessee. A motion was made thereafter on behalf of the Government to vacate the order of consolidation, and after consideration of the briefs of the parties, the court handed down the following decision in denial of such motion:

DARR, *District Judge*: "Heretofore an order was entered consolidating this case with four other like cases pending in other jurisdictions under authority of a provision of the Federal Food, Drug and Cosmetic Act as codified at 21 U. S. C. A. sec. 334 (b).

"The plaintiff has a motion to set aside this order upon the ground that in the several cases the issues are not the same.

"I am not sure what requirement would be upon a court to ascertain whether the issues were the same. In view of the statements made by the claimant in its brief, I feel that I am not concerned about this question.

"The following statements are made in the claimant's brief:

It is true that some of the suits involve Pineapple Fountain Fruit and some of them involve Peach Fountain Fruit; however, the claimant has admitted in the answer filed and will admit in all of the other cases that it has not made either peach or pineapple preserves so far as the property attached is concerned, but that it has made either Peach or Pineapple Fountain Fruit, for which no definition or standard of identity has been prescribed by the regulations.

* * * * *

As has already been said, however, the only issue in this case, as we see it, is does the Government have the right to condemn and forfeit Fountain Fruit because it does not comply with the regulations as to preserves. . . .

"I understand these statements to be an admission to the effect that if the claimant's products are preserves, then all the elements necessary for the seizure and confiscation are made out. That is, the claimant does not make the defense that the products meet the requirements as preserves. The claimant contends that the products are not preserves but a 'Fountain Fruit.'

"The Plaintiff asks for seizure and forfeiture upon the ground that the products are misbranded preserves.

"The issue then is whether the products are preserves or some other form of fruit food.

"As preserves are made from all kinds of fruits, the use of different fruits would not affect the question of whether a commodity is preserves. Whether the products meet the standards of the regulations concerning preserves will not be for consideration. The claimant says that the products are not preserves at all, but something else not covered in the regulations. Therefore, actually the issues in all the proceedings are the same and become one issue upon consolidation.

"With the understanding that the issue is so confined in each of the proceedings, the motion to vacate the order of consolidation is overruled. Procedure will go forward under the order consolidating the cases."

The case came on for trial before the court without a jury on June 30, 1948, and at its conclusion the matter was taken under advisement by the court. On September 10, 1948, the following opinion was handed down by the court:

DARR, District Judge: "The suit seeks to condemn articles of food, under the provisions of 21 U. S. C. sec. 342 (b) (2) and 21 U. S. C. sec. 343 (g), upon the claim of adulteration and misbranding. The claimant made answer and denied these contentions.

"The products seized were small fourteen-ounce jars, which claimant sold to wholesale groceries and retail stores, and bore different labels as follows: 'Southland Peach Fountain Fruit (Delicious as a Spread)' and 'Tara Fruit of the Good Earth Pineapple Fountain Fruit.'

"The parties have agreed that the products were introduced in commerce and that they did not come up to the required standard of preserves. Therefore, the single question for determination is whether the products purport to be, or are represented as, the standardized articles, peach and pineapple preserves, within the meaning of 21 U. S. C. sec. 343 (g).

"An examination of the jars shows that the labels contain the name of the fruit or trade name in large letters and the words 'Fountain Fruit' are in small letters. The term 'fountain fruit' does not have a recognized meaning as a food product. A product of this character has not been submitted to the trade in containers similar to the ones claimant used. So-called fountain fruit appears to have been generally put upon the market for family use in small containers of about six ounces and plainly labeled by such words as 'Topping,' 'Sundaettes,' etc., or this type product has been sold in large containers of a quart or more to confectioners and soda fountains for use in their business. The size jar used by the claimant is comparable to that ordinarily used for preserves and jams.

"The proof reflects that the merchants bought these products with the idea that they were preserves, that they were mixed upon the shelves of the retail stores with real preserves, jams and jellies. So the libelant claims that this conduct amounted to a purporting of furnishing the products to the public as preserves. The claimant says that the products were plainly labeled 'fountain fruit' and that there was no deception or imposition.

"There are some cases defining the Congressional meaning of the word 'purport' as used in this statute. *United States v. 306 Cases * * * Tomato Catsup*, 55 F. Supp. 725; *Libby, McNeill v. United States*, 148 F. 2d 71.

"Also, the statute may be violated without any wrongful intent. *United States v. 11½ Dozen Packages, etc.*, 40 F. Supp. 208.

"Considering this construction of the word 'purport' and in view of all the testimony and considering that I have viewed the labels themselves together with the pictures of the products in stores, I am of the opinion that these products did purport to be preserves.

"It must be remembered that the products were on sale during the time when there was a scarcity of sugar and the buying public was anxious to obtain sweets for family use. I have the impression that under all these conditions a housewife or other purchaser would buy these products thinking they were preserves, particularly when it is further considered that this type of food had never been on the market for table use as a spread or as a substitute for preserves.

"This was, indeed, a new venture in trying out a table food, and had the claimant plainly labeled the food by true description, the label being in bold type, recommending it for use in place of preserves, jam or jelly, there could have been no objection.

"For the reasons stated, however, I feel it my duty to sustain the proceedings for condemnation.

"The claimant, so the proof discloses, ceased the manufacture of the products at the time these proceedings were begun and, as I understand, has no plans or desire to manufacture the products in the future.

"In view of this and of the whole case, I direct that the claimant be granted the privilege, upon making proper bond, of taking over the condemned products, the same to be used and disposed of under the supervision of the Food and Drug Administration. If claimant elects not to retake the property, application will be made for disposition thereof in some other manner."

On October 27, 1949, the following supplemental opinion was rendered by the court:

DARR, District Judge: "On September 10, 1948, a memorandum for the judgment was announced and filed, but no judgment has been entered pursuant thereto. The delay has been caused by a desire of the plaintiff to make application for a change in a certain portion of the original memorandum for the judgment, which portion was obiter dicta and is as follows:

This was, indeed, a new venture in trying out a table food, and had the claimant plainly labeled the food by true description, the label being in bold type, recommending it for use in place of preserves, jam, or jelly, there could have been no objection.

"Upon consideration the Court feels that this statement might be misleading and the further consideration that this announcement had no merit insofar as the decision of the controversy is concerned, the same is deleted and taken from the original memorandum for the judgment and will not be considered a part thereof."

In accordance with the foregoing opinions, findings, of fact and conclusions of law were filed on November 10, 1949. On December 20, 1949, judgment of condemnation was entered and the court ordered that the products be delivered to the Salvation Army for its use and not for sale.

15831. Adulteration of canned strained applesauce. U. S. v. 132 Cases * * *.

(F. D. C. No. 28302. Sample No. 48613-K.)

LIBEL FILED: November 17, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 25, 1949, by American Home Foods, Inc., from Rochester, N. Y.

PRODUCT: 132 cases, each containing 24 4 $\frac{3}{4}$ -ounce cans, of strained applesauce at Philadelphia, Pa.

LABEL, IN PART: (Can) "Clapp's Strained Apple Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product was decomposed.)

DISPOSITION: December 22, 1949. Default decree of condemnation and destruction.

15832. Adulteration of strawberry preserves. U. S. v. 15 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 28273, 28299. Sample Nos. 57277-K, 57279-K.)

LIBELS FILED: November 7 and 18, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about July 18 and August 15, 1949, by the Fruitcrest Corp., from Brooklyn, N. Y.

PRODUCT: Strawberry preserves. 15 cases at Bristol, Conn., and 31 cases at New Britain, Conn. Each case contained 24 1-pound jars.

LABEL, IN PART: (Jar) "Fruitcrest Pure De Luxe Strawberry Preserves."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberry material.

DISPOSITION: On November 18 and December 1, 1949, on motions of the claimant, orders were entered by the court, releasing samples to the claimant. On January 23 and February 10, 1950, the claimant having consented thereto, decrees of condemnation and destruction were entered by the court.

VEGETABLES

15833. Adulteration of canned beans. U. S. v. 47 Cases * * *. (F. D. C. No. 28584. Sample No. 55733-K.)

LIBEL FILED: On or about December 22, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 8, 1949, by the Norfolk Packing Co., from Plattsmouth, Nebr.

PRODUCT: 47 cases, each containing 48 11-ounce cans, of beans at Kansas City, Mo. Examination showed that the tomato sauce in which these beans were packed contained excessive mold mycelia.

LABEL, IN PART: "Finest Brand * * * Beans with Pork with Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: January 31, 1950. Default decree of condemnation. The court ordered the product delivered to a public institution, for use as hog feed.

15834. Adulteration of dehydrated sweet corn. U. S. v. 3 Drums * * *. (F. D. C. No. 28506. Sample No. 63885-K.)

LIBEL FILED: January 3, 1950, Southern District of Georgia.

ALLEGED SHIPMENT: On or about September 26, 1949, by the E. B. Hostetter Co., from Marion, Ohio.

PRODUCT: 3 150-pound drums of dehydrated sweet corn at Augusta, Ga.

LABEL, IN PART: "Nunso Tender Evaporated Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and insects.

DISPOSITION: February 3, 1950. Default decree of condemnation and destruction.

15835. Adulteration of black-eyed peas. U. S. v. 343 Bags * * *. (F. D. C. No. 27558. Sample No. 11541-K.)

LIBEL FILED: On or about July 13, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about July 12, 1948, the product was imported from Turkey.

PRODUCT: 343 bags, each containing 222 pounds, of black-eyed peas at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 7, 1949. Jacques A. Davis, Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration, by fumigating, cleaning, sifting, and repacking. Of the 77,258 pounds seized, 38,300 pounds were sorted out as good. The unfit portion was ground and denatured for use in the manufacture of dog food.

15836. Misbranding of canned peas. U. S. v. 750 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 28513, 28514. Sample Nos. 61850-K, 61851-K.)

LIBELS FILED: January 11, 1950, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 10 and 11, 1949, by the Oostburg Canning Co., from Oostburg, Wis.

PRODUCT: 1,550 cases, each containing 6 No. 10 cans, of peas at St. Louis, Mo. The cans were unlabeled, with the exception of some which bore the word "Peas."

NATURE OF CHARGE: Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peas because of high alcohol-insoluble solids, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: February 20, 1950. The Bohn-Lenartz Co., St. Louis, Mo., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

TOMATOES AND TOMATO PRODUCTS

15837. Adulteration of canned tomatoes. U. S. v. 3,900 Cases * * *. (F. D. C. No. 28452. Sample No. 56856-K.)

LIBEL FILED: December 5, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about September 12, 13, 14, 15, 17, 21, and 22, 1949, by Vincent Losito & Sons, from Toughkenamon, Pa.

PRODUCT: 3,900 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Perth Amboy, N. J.

LABEL, IN PART: (Can) "Green Circle Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: January 10, 1950. Default decree of condemnation and destruction.

15838. Adulteration of tomato catsup. U. S. v. 49 Cases * * *. (F. D. C. No. 28257. Sample No. 56666-K.)

LIBEL FILED: November 1, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about September 13, 1949, by Hy King, from Phalanx, N. J.

PRODUCT: 49 cases, each containing 24 bottles, of tomato catsup at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: January 27, 1950. Default decree of condemnation and destruction.

15839. Adulteration of tomato puree. U. S. v. Decatur Packing Corp. Plea of guilty. Fine, \$200. (F. D. C. No. 28181. Sample Nos. 34303-K, 34308-K, 42150-K.)

INFORMATION FILED: November 28, 1949, Southern District of Indiana, against the Decatur Packing Corp., Greensburg, Ind.

ALLEGED SHIPMENT: On or about March 18 and May 31, 1949, from the State of Indiana into the States of California and Illinois.

LABEL, IN PART: (Can) "Monarch Tomato Puree Distributors Reid Murdoch, Chicago, Ill. A Division of Consolidated Grocers Corporation" or "Sexton * * * Tomato Puree Distributed by John Sexton & Co. Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: December 23, 1949. A plea of guilty having been entered, the court imposed a fine of \$200.

MEAT AND POULTRY

15840. Adulteration of canned ham chunks. U. S. v. 909 Cases * * *. (F. D. C. No. 27891. Sample No. 30441-K.)

LIBEL FILED: October 3, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about August 29, 1949, by Plymouth Rock Provision Co., Inc., from New York, N. Y.

PRODUCT: 909 cases, each containing 24 2-pound, 2-ounce cans, of ham chunks at San Diego, Calif.

LABEL, IN PART: "Plymouth Rock Brand Ham Chunks."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of leakers and hard swells.)

DISPOSITION: October 25, 1949. Plymouth Rock Provision Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion under Government supervision. Segregation operations resulted in the destruction of 447 cans of the product.

15841. Adulteration of frozen dressed chickens. U. S. v. 45 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 27975, 28359. Sample Nos. 55499-K, 70106-K.)

LIBELS FILED: November 10 and 18, 1949, District of Nebraska and Southern District of Iowa.

ALLEGED SHIPMENT: On or about October 4, 9, and 17, 1949, by the Jeck Packing Co., from Fairmont, Minn.

PRODUCT: Frozen dressed chickens. 45 boxes, containing approximately 2,700 pounds, at Omaha, Nebr., and 31,967 pounds at Council Bluffs, Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of (Omaha lot) a filthy substance by reason of the presence of rodent excreta and (Council Bluffs lot) rodent excreta and chicken excreta; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 30, 1950. The Jeck Packing Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond to be brought into compliance with the law by washing, cleaning, and eviscerating, under the supervision of the Food and Drug Administration.

15842. Adulteration of chilled turkeys. U. S. v. 1,000 Pounds * * *. (F. D. C. No. 28482. Sample No. 8657-K.)

LIBEL FILED: December 28, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about November 16, 1949, by the Bird-in-Hand Poultry Co., from Philadelphia, Pa.

PRODUCT: 1,000 pounds (13 boxes) of chilled turkeys at New York, N. Y. Examination disclosed the presence of diseased turkeys.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: January 12, 1950. Default decree of condemnation and destruction.

15843. Adulteration of frozen turkeys. U. S. v. Approximately 515 Pounds * * * (and 1 other seizure action). (F. D. C. Nos. 28283, 28284. Sample Nos. 553-K, 63797-K.)

LIBELS FILED: On or about November 14 and December 21, 1949, Northern District of Georgia.

ALLEGED SHIPMENT: On or about February 25, 1949, by the Weinberg Bros. Co., from Chicago, Ill.

PRODUCT: 8,174 pounds of frozen turkeys at Atlanta, Ga. Examination showed that when the turkeys were cooked in a normal manner, the meat disintegrated into a pasty, rather tasteless mass. The turkeys had been treated with a so-called tenderizing solution of water, salt, celery juice, sodium glutamate, and papain.

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), a so-called tenderizing solution had been added to the product so as to reduce its quality.

DISPOSITION: On December 21, 1949, decrees of condemnation were entered and the court ordered that the product be destroyed. However, on January 3, 1950, the decrees were amended to permit delivery of the product to a Federal institution on the condition that it be denatured and disposed of for use as fertilizer.

NUTS AND NUT PRODUCTS

15844. Adulteration of brazil nuts. U. S. v. 11 Bags * * *. (F. D. C. No. 28594. Sample No. 61195-K.)

LIBEL FILED: December 21, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 12, 1949, by Wm. A. Higgins & Co., from New York, N. Y.

PRODUCT: 11 100-pound bags of brazil nuts at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rancid nuts.

DISPOSITION: January 25, 1950. Default decree of condemnation and destruction.

15845. Adulteration of pecans. U. S. v. 12 Cases * * *. (F. D. C. No. 28432. Sample No. 52588-K.)

LIBEL FILED: December 15, 1949, Southern District of Indiana.

ALLEGED SHIPMENT: On or about October 10, 1949, by the Marx Bros., from Birmingham, Ala.

PRODUCT: 12 cases, each containing 24 1-pound bags, of pecans at Seymour, Ind.

LABEL, IN PART: "Tubby, Jr. Brand Extra Stuarts Large Soft Shell Pecans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. (Examination showed the presence of moldy and otherwise decomposed pecans.)

DISPOSITION: January 19, 1950. Default decree of forfeiture and destruction.

15846. Adulteration of shelled pecans. U. S. v. 100 Cartons * * *. (F. D. C. No. 28242. Sample No. 62130-K.)

LIBEL FILED: October 28, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 23, 1949, by the Orangeburg Pecan Co., from Orangeburg, S. C.

PRODUCT: 100 55-pound cartons of shelled pecans at Somerville, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested pecans, and of a decomposed substance by reason of the presence of moldy pecans.

DISPOSITION: December 7, 1949. Frederick J. D. Felder, Orangeburg, S. C., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by cleansing, sorting, and picking out all decomposed, moldy, and objectionable material, under the supervision of the Food and Drug Administration. Reconditioning operations having been unsuccessful, the product was converted into animal feed.

15847. Adulteration of peanut butter. U. S. v. 96 Jugs * * *. (F. D. C. No. 28262. Sample No. 46700-K.)

LIBEL FILED: November 5, 1949, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about September 13, 1949, by the Chunk-E-Nut Products Co., from Pittsburgh, Pa.

PRODUCT: 96 12-ounce jugs of peanut butter at Fairmont, W. Va.

LABEL, IN PART: "Cream-E-Nut * * * Peanut Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 4, 1950. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

SPICES, FLAVORS, AND SEASONING MATERIALS

15848. Adulteration of iodized salt. U. S. v. 100 Cases, etc. (F. D. C. No. 28304. Sample Nos. 63819-K, 63820-K, 63861-K.)

LIBEL FILED: November 22, 1949, Western District of North Carolina.

ALLEGED SHIPMENT: On or about November 30, 1948, and July 16, 1949, from Watkins Glen, N. Y., and Silver Springs, N. Y.

PRODUCT: 240 cases, each containing 24 1-pound, 10-ounce boxes, of iodized salt at Charlotte, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its persistent objectionable odor produced by chemicals. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 4, 1950. Default decree of condemnation and destruction.

15849. Adulteration of chili pepper. U. S. v. 6 Bags * * *. (F. D. C. No. 28436. Sample No. 30236-K.)

LIBEL FILED: December 8, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about June 10, July 19, and August 19, 1949, by the C. L. Prats Chili Co., from Douglas, Ariz.

PRODUCT: 6 100-pound bags of chili pepper at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments.

DISPOSITION: January 9, 1950. Default decree of condemnation and destruction.

15850. Adulteration of turmeric root. U. S. v. 32 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 28291, 28314. Sample Nos. 10069-K to 10072-K, incl.)

LIBELS FILED: November 21, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about June 9 and July 13, 1948, from Bombay and Madras, India.

PRODUCT: Turmeric root. 106 164-pound bags, 80 140-pound bags, and 32 196-pound bags at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 30, 1949. The L. E. Ransom Co., New York, N. Y., having appeared as claimant and the cases having been consolidated, and the claimant having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reconditioned and salvaged under the supervision of the Food and Drug Administration. The reconditioning operations resulted in the salvage of 31,264 pounds of good turmeric root.

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¹ (15801) Temporary injunction issued. Contains opinion of the court.² (15830) Seizure contested. Contains opinions of the court.

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^¹ (15801) Temporary injunction issued. Contains opinion of the court.

^² (15830) Seizure contested. Contains opinions of the court.



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FEDERAL SECURITY AGENCY**FOOD AND DRUG ADMINISTRATION****NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

15851-15900

FOODS

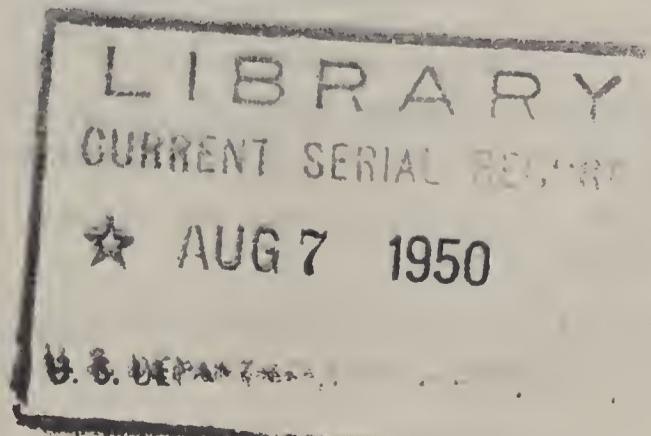
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, Commissioner of Food and Drugs.

WASHINGTON, D. C., June 22, 1950.

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BEVERAGES AND BEVERAGE MATERIALS

15851. Adulteration and misbranding of coffee. U. S. v. 120 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 28522, 28524. Sample Nos. 63211-K, 63213-K.)

LIBELS FILED: On or about January 17, 1950, District of New Hampshire.

ALLEGED SHIPMENT: On or about November 29 and December 13, 1949, by the Stanford Tea & Coffee Co., from Haverhill, Mass.

PRODUCT: 204 unlabeled bags, each containing 1 pound, of a product invoiced and represented to be coffee at Manchester and Concord, N. H.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article consisting of a mixture of coffee and cereals, including rye and wheat middlings, had been substituted in whole or in part for coffee.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food; Section 403 (e) (1), it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: February 27, 1950. Default decrees of condemnation. The court ordered that the product be delivered to a State hospital for its use, and not for sale.

15852. Misbranding of coffee. U. S. v. 153 Bags * * *. (F. D. C. No. 28505. Sample No. 62569-K.)

LIBEL FILED: December 28, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 18, 1949, by Kobrick, from New York, N. Y.

PRODUCT: 153 bags of coffee at West Springfield, Mass. Examination showed that the article contained an added cereal product and that it was short of the declared weight.

LABEL, IN PART: (Bag) "One Pound Net Kobrick's Mayflower Coffee."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name "Mayflower Coffee" on the principal display panel of the container of the article was false and misleading as applied to a mixture of coffee and an added cereal product; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: February 23, 1950. Samuel Kobrick, New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

15853. Adulteration of tomato juice. U. S. v. 55 Cases, etc. (F. D. C. Nos. 28561, 28619. Sample Nos. 64099-K, 64451-K.)

LIBELS FILED: On or about December 14, 1949, District of Minnesota; amended libel filed January 5, 1950.

ALLEGED SHIPMENT: On or about November 2 and 9, 1949, by Woodruff Canning Co., Inc., from Goldsmith, Ind.

PRODUCT: 253 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Hopkins, Minn.

LABEL, IN PART: "Wocco Brand Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 16, 1950. Default decrees of condemnation. The court ordered that the product be denatured for use as animal feed or destroyed.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. **15854** to **15857**, and that was below the legal standard for milk fat content No. **15858**.

15854. Adulteration of butter. U. S. v. Kent Products, Inc. Plea of guilty. Fine, \$50. (F. D. C. No. 26690. Sample Nos. 2749-K, 21875-K.)

INFORMATION FILED: April 11, 1949, Western District of Missouri, against Kent Products, Inc., Kansas City, Mo.

ALLEGED VIOLATIONS: On or about October 15, 1948, the defendant delivered a quantity of butter to a firm at North Kansas City, Mo., under a guaranty that the product complied with the law. The guaranty had been given by the defendant on or about January 12, 1942, and provided that all food products sold and delivered thereunder would be neither adulterated nor misbranded under the law. The holder of the guaranty was engaged in the business of shipping butter in interstate commerce, and the butter delivered by the defendant under the above guaranty was adulterated.

On or about November 2, 1948, the defendant also caused to be introduced into interstate commerce at Kansas City, Mo., for delivery to Washington, D. C., a quantity of adulterated butter.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hair fragments, setae, and manure fragments; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 10, 1950. A plea of guilty having been entered, the court fined the defendant \$50.

15855. Adulteration of butter. U. S. v. 306 Boxes (19,584 pounds) * * *. (F. D. C. No. 28330. Sample No. 42173-K.)

LIEEL FILED: September 28, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 10, 1949, by Burkey's Creamery, from Cushing, Okla.

PRODUCT: 306 64-pound boxes of butter at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Samples of the product were found to contain excessive mold mycelia.)

DISPOSITION: February 10, 1950. The Peter Fox Sons Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was converted into butter oil, and the salvage operations resulted in 5,619 pounds of butter oil.

15856. Adulteration of butter. U. S. v. 17 Boxes (1,105 pounds) * * *. (F. D. C. No. 28549. Sample No. 57505-K.)

LIBEL FILED: November 18, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about October 29, 1949, by the Producers Creamery Co., from Kirksville, Mo.

PRODUCT: 17 boxes, each containing 65 pounds, of butter at Jersey City, N. J.

LABEL, IN PART: "June Dairy Products Co., Inc. Distributors Jersey City, N. J."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance since it contained manure, insect and fly parts, fly eggs, feather barbules, and rodent hairs and hair fragments.

DISPOSITION: January 4, 1950. Default decree of condemnation. The court ordered that the product be delivered to a soap manufacturer for fat salvage.

15857. Adulteration of butter. U. S. v. 145 Cartons (9,425 pounds) * * *. (F. D. C. No. 28553. Sample No. 42176-K.)

LIBEL FILED: October 20, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 22, 1949, by the Indiana Produce Co., from Huntingburg, Ind.

PRODUCT: 145 cartons, each containing 65 pounds, of butter at Chicago, Ill. Analysis showed that the product contained decomposed material and rodent and insect filth.

LABEL, IN PART: (Portion) "Creamy Butter The Peter Fox Sons Co. Distributors * * * Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was a decomposed and filthy product.

DISPOSITION: February 10, 1950. The Peter Fox Sons Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be utilized in compliance with the law, under the supervision of the Federal Security Agency. The product was denatured for use as soap grease or for other nonedible purposes.

15858. Adulteration of butter. U. S. v. 6 Cartons (390 pounds) * * *. (F. D. C. No. 28556. Sample No. 64437-K.)

LIBEL FILED: On or about November 21, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about October 28, 1949, by the New Effington Creamery, from New Effington, S. Dak.

PRODUCT: 6 cartons, each containing 65 pounds, of butter at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: February 3, 1950. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions for their use and not for sale.

CHEESE

15859. Adulteration of cheese. U. S. v. 6 30-Pound Cheeses. (F. D. C. No. 28358. Sample No. 32544-K.)

LIBEL FILED: November 18, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about September 14, 1949, by R. V. Dionisio, from Trinidad, Colo.

PRODUCT: 6 30-pound cheeses at San Jose, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: March 29, 1950. Default decree of condemnation and destruction.

15860. Adulteration of cheese. U. S. v. 5 10-Pound Cheeses. (F. D. C. No. 28568. Sample No. 32551-K.)

LIBEL FILED: December 19, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about September 7, 1949, by G. A. Dardanes, from Trinidad, Colo.

PRODUCT: 5 10-pound cheeses at San Jose, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent hairs.

DISPOSITION: March 29, 1950. Default decree of condemnation and destruction.

15861. Adulteration of goat milk cheese. U. S. v. 35 Wheels * * *. (F. D. C. No. 28398. Sample No. 58243-K.)

LIBEL FILED: November 30, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about October 3, 1949, by Jack Sciacca, from Trinidad, Colo.

PRODUCT: 35 wheels, each containing 17 to 25 pounds, of goat milk cheese at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly fragments.

DISPOSITION: January 26, 1950. Default decree of condemnation and destruction. On February 6, 1950, the court entered an amended order providing that the product be denatured under the supervision of the Food and Drug Administration and sold for use in the manufacture of animal feed.

FISH AND SHELLFISH

15862. Adulteration of frozen tullibees. U. S. v. 7 Boxes, etc. (F. D. C. No. 28449. Sample Nos. 56397-K to 56400-K, incl., 73541-K.)

LIBEL FILED: November 30, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about June 18 and 21, July 6, and October 11, 1949, by the Waldman Fish Co., from Montreal, Canada.

PRODUCT: 60 boxes, each containing 100 pounds, of frozen tullibees at Newark, N. J.

LABEL, IN PART: (Portion) "Armstrong Gimli Fisheries Ltd. Fancipak Products Winnipeg Canada"; (remainder) Product of Canada."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms, and a portion of the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: January 16, 1950. Default decree of condemnation and destruction.

15863. Adulteration of frozen tullibees. U. S. v. 17 Boxes * * *. (F. D. C. No. 28450. Sample No. 73542-K.)

LIBEL FILED: November 30, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about June 28, 1949, by Straker Gross, from Montreal, Canada.

PRODUCT: 17 100-pound boxes of frozen tullibees at Newark, N. J.

LABEL, IN PART: (Box) "Armstrong Gimli Fisheries Ltd. Fancipak Products Winnipeg Canada."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: January 16, 1950. Default decree of condemnation and destruction.

15864. Adulteration of canned frozen clams. U. S. v. 52 Cans * * *. (F. D. C. No. 28437. Sample No. 71063-K.)

LIBEL FILED: December 12, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about June 20, 1949, by the Haines Oyster Co., from Seattle, Wash.

PRODUCT: 52 cans, each containing 6 pounds, of frozen clams at Port Hueneme, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained a poisonous and deleterious substance, *Gonyaulax* toxin, which may have rendered the article injurious to health.

DISPOSITION: January 11, 1950. Default decree of condemnation and destruction.

15865. Adulteration of canned frozen clams. U. S. v. 18 Cases * * *. (F. D. C. No. 28413. Sample No. 58497-K.)

LIBEL FILED: December 2, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about June 20, 1949, by the Haines Oyster Co., from Seattle, Wash.

PRODUCT: 18 cases, each containing 6 6-pound cans, of frozen clams at San Pedro, Calif.

LABEL, IN PART: "Frozen Butter Clams Packed by Alaskan Glacier Sea Food Company, Petersburg, Alaska."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained a poisonous and deleterious substance, *Gonyaulax* toxin, which may have rendered the article injurious to health.

DISPOSITION: December 28, 1949. Default decree of condemnation and destruction.

15866. Adulteration of oysters. U. S. v. 52 Cans, etc. (F. D. C. No. 28578. Sample Nos. 12554-K, 12555-K.)

LIBEL FILED: December 16, 1949, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 13, 1949, by R. L. Webster, from Princess Anne, Md.

PRODUCT: 136 pint cans of oysters at York, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: January 24, 1950. Default decree of condemnation and destruction.

15867. Misbranding of oysters. U. S. v. 200 Cans * * *. (F. D. C. No. 28580. Sample No. 69040-K.)

LIBEL FILED: December 19, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about December 13, 1949, by H. Allen Smith, from Cheriton, Va.

PRODUCT: 200 pint cans of oysters at Buffalo, N. Y.

LABEL, IN PART: "Oysters Standards * * * Contents 1 Pint Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans were short volume.)

DISPOSITION: January 30, 1950. Default decree of condemnation and destruction.

15868. Adulteration of canned oysters. U. S. v. 250 Cases * * *. (F. D. C. No. 28419. Sample Nos. 64378-K, 64722-K.)

LIBEL FILED: December 3, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about October 18, 1949, by the Southland Canning & Packing Co., from New Orleans, La.

PRODUCT: 250 cases, each containing 24 4-ounce cans, of oysters at St. Paul, Minn.

LABEL, IN PART: "Fairway Brand Wet Pack Cove Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed oysters.

DISPOSITION: January 13, 1950. The Southland Canning & Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and sorting of the fit portion from the unfit, under the supervision of the Food and Drug Administration. Of the 166 cases which were seized, 45½ cases were destroyed and the remainder were released.

15869. Adulteration of canned shrimp. U. S. v. 78 Cases * * *. (F. D. C. No. 28490. Sample No. 63037-K.)

LIBEL FILED: December 19, 1949, District of Maine.

ALLEGED SHIPMENT: On or about September 12, 1949, by the Deepsouth Packing Co., from New Orleans, La.

PRODUCT: 78 cases, each containing 24 5-ounce cans, of shrimp at Portland, Maine.

LABEL, IN PART: (Can) "Pride of New Orleans Brand Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: January 10, 1950. Consent decree of condemnation and destruction.

15870. Adulteration of canned shrimp. U. S. v. 24 Cases * * *. (F. D. C. No. 28454. Sample No. 2098-K.)

LIBEL FILED: December 1, 1949, District of Maryland.

ALLEGED SHIPMENT: On or about November 15, 1949, by the American Food Products Co., from Washington, D. C.

PRODUCT: 24 cases, each containing 48 5-ounce cans, of shrimp at Baltimore, Md.

LABEL, IN PART: (Can) "Pride of New Orleans Brand Shrimp Wet Pack."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: January 4, 1950. Default decree of condemnation and destruction.

15871. Misbranding of canned shrimp. U. S. v. 37 Cases * * *. (F. D. C. No. 28308. Sample No. 29088-K.)

LIREL FILED: December 1, 1949, District of Utah.

ALLEGED SHIPMENT: On or about October 6, 1949, by the Cutcher Canning Co., from Westwego, La.

PRODUCT: 37 cases, each containing 24 5-ounce cans, of shrimp at Salt Lake City, Utah.

LABEL, IN PART: (Can) "Cutcher Brand * * * Wet Pack Shrimp."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the product fell below the standard of fill of container for canned wet pack shrimp in nontransparent containers since the containers were not so filled that the cut-out weight of the shrimp taken from each can was not less than 64 percent of the water capacity of the container, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: February 2, 1950. The Cutcher Canning Co., Westwego, La., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled, under the supervision of the Food and Drug Administration.

15872. Adulteration of frozen shrimp. U. S. v. 30 Boxes * * *. (F. D. C. No. 27929. Sample No. 49489-K.)

LIBEL FILED: On or about October 19, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about October 6, 1949, by the Coastal Freezing Plant, Aransas Pass, Tex.

PRODUCT: 30 5-pound boxes of frozen shrimp at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: December 6, 1949. Default decree of condemnation. The court ordered that the product be denatured and sold for use as animal feed.

15873. Adulteration of frozen shrimp. U. S. v. 100 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 28349, 28350. Sample Nos. 49480-K, 67902-K, 67903-K, 67905-K, 67909-K to 67911-K, incl.)

LIBELS FILED: November 15, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about October 22, 1949, by Morgan City Canning Co., Inc., from Buras, La.

PRODUCT: Frozen shrimp. 119 cases, each containing 10 5-pound packages, and 181 cases, each containing 24 12-ounce packages, at Denver, Colo.

LABEL, IN PART: (Package) "Cher-Amie Brand" or "Ho-Ma Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: January 12 and 27, 1950. Default decrees of condemnation. The court ordered that the product be denatured and sold for use as animal feed.

15874. Adulteration of frozen shrimp. U. S. v. 71 Cases * * *. (F. D. C. No. 28565. Sample No. 32357-K.)

LIBEL FILED: December 14, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about October 22, 1949, by Morgan City Canning Co., Inc., from Houma, La.

PRODUCT: 71 cases, each containing 24 12-ounce packages, of frozen shrimp at Oakland, Calif.

LABEL, IN PART: (Package) "Ho-Ma Brand Frozen Fresh Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: January 25, 1950. The Norfish Sales Co., Oakland, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into fish bait, under the supervision of the Federal Security Agency.

FRUITS AND VEGETABLES**FRESH FRUIT**

15875. Adulteration of blueberries. U. S. v. 3 Crates * * *. (F. D. C. No. 27865. Sample No. 62772-K.)

LIBLE FILED: August 2, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 1, 1949, by Armas A. Pelto, from Fitzwilliam, N. H.

PRODUCT: 3 crates, each containing 24 1-quart boxes, of blueberries at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. (The product contained maggots.)

DISPOSITION: August 30, 1949. Default decree of condemnation and destruction.

MISCELLANEOUS FRUIT PRODUCTS

15876. Adulteration of apple butter. U. S. v. 12 Cases * * *. (F. D. C. No. 28592. Sample No. 61381-K.)

LIBLE FILED: On or about January 14, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about November 3, 1949, by the Colonial Mfg. Co., Oklahoma City, Okla.

PRODUCT: 12 cases, each containing 12 1-pound, 12-ounce jars, of apple butter at West Plains, Mo.

LABEL, IN PART: (Jar) "Zestee Apple Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

DISPOSITION: March 30, 1950. Default decree of destruction.

15877. Adulteration of fig paste. U. S. v. 150 Cartons * * *. (F. D. C. No. 28337. Sample No. 54157-K.)

LIBLE FILED: On or about November 16, 1949, Northern District of Texas.

ALLEGED SHIPMENT: On or about November 21, 1946, from San Francisco, Calif.

PRODUCT: 150 80-pound cartons of fig paste at Dallas, Tex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, and of a decomposed substance by reason of the presence of mold. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 9, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as livestock feed.

15878. Adulteration of strawberry preserves. U. S. v. 53 Cases * * *. (F. D. C. No. 27989. Sample No. 62793-K.)

LIBLE FILED: September 22, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 18, 1949, by the Fruitcrest Corp., from Brooklyn, N. Y.

PRODUCT: 53 cases, each containing 24 1-pound jars, of strawberry preserves at Brookline, Mass.

LABEL, IN PART: (Jar) "Fruitcrest Pure Deluxe Strawberry Preserves."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberry material.

DISPOSITION: March 13, 1950. Default decree of condemnation and destruction.

15879. Adulteration of strawberry puree. U. S. v. 10 Cans * * *. (F. D. C. No. 27908. Sample No. 42941-K.)

LIBEL FILED: October 25, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 16, 1948, by Frigid Food Products, Inc., from Detroit, Mich.

PRODUCT: 10 30-pound cans of strawberry puree at Chicago, Ill.

LABEL, IN PART: "4+1 Frigidfruit Frozen Strictly Fresh * * * Strawberry Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberry material.

DISPOSITION: February 23, 1950. Default decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

15880. Adulteration of celery. U. S. v. 504 Cases, etc. (F. D. C. No. 28535. Sample Nos. 56792-K, 56793-K.)

LIBEL FILED: January 24, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about January 6, 1950, by the Garin Co., from Graves, Calif.

PRODUCT: 1,008 cases of celery at New York, N. Y.

LABEL, IN PART: "Garin-Tee Quality California Celery."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its discoloration, pithiness, and softening, due to freezing.

DISPOSITION: February 3, 1950. Default decree of condemnation and destruction.

15881. Adulteration of celery. U. S. v. 504 Crates * * *. (F. D. C. No. 28543. Sample No. 57240-K.)

LIBEL FILED: January 26, 1950, District of New Jersey.

ALLEGED SHIPMENT: On or about January 6, 1950, by Thomasello, from Watsonville, Calif.

PRODUCT: 504 crates of celery at Jersey City, N. J.

LABEL, IN PART: "Tri X Brand Packed and Shipped by Tri County Vegetable Exchange * * * Watsonville, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its discoloration, pithiness, and softening, due to freezing.

DISPOSITION: February 14, 1950. Default decree of condemnation and destruction.

15882. Adulteration of canned corn. U. S. v. 81 Cases * * *. (F. D. C. No. 28443. Sample No. 54446-K.)

LIBEL FILED: December 12, 1949, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 19, 1949, by the Lancaster Canning Co., from Lancaster, Wis.

PRODUCT: 81 cases, each containing 24 1-pound, 4-ounce cans, of corn at New Orleans, La.

LABEL, IN PART: "County Seat Cream Style White Sugar Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance. (Examination showed the presence of worms and worm parts.)

DISPOSITION: February 4, 1950. Default decree of condemnation and destruction.

15883. Misbranding of canned peas. U. S. v. 173 Cases * * *. (F. D. C. No. 28593. Sample Nos. 52896-K, 72361-K.)

LIBEL FILED: December 21, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about September 13, 1949, by Stokely-Van Camp, Inc., from Elwood, Ind.

PRODUCT: 173 cases, each containing 24 1-pound, 4-ounce cans, of peas at Cincinnati, Ohio.

LABEL, IN PART: "Tru Value Brand Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for a smooth skin variety of peas since the alcohol-insoluble solids of the peas were more than 23.5 percent, and its label failed to bear the substandard legend.

DISPOSITION: March 2, 1950. Stokely-Van Camp, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

15884. Misbranding of pickles, chow-chow, and relish. U. S. v. 31 Cases, etc. (F. D. C. No. 28464. Sample Nos. 56852-K to 56854-K, incl., 56859-K, 56862-K to 56864-K, incl.)

LIBEL FILED: December 6, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about September 27, October 18 and 31, and November 9, 1949, by H. M. Field, Inc., from Brooklyn, N. Y.

PRODUCT: 31 cases of sweet pickles, 43 cases of sweet mixed pickles, 18 cases of sweet chow-chow, and 24 cases of sweet relish at Newark, N. J. Each case contained 24 8-ounce jars.

LABEL, IN PART: (Jar) "M. Polaner's Sweet Pickles" [or "Mixed Pickles," "Chow Chow," or "Relish"] * * * 8 Oz. Liq."

NATURE OF CHARGE: Misbranding, Section 403 (i) (2), the articles were fabricated from two or more ingredients, and their labels failed to bear the common or usual name of each such ingredient; and, Section 403 (k), the articles contained a chemical preservative, benzoate of soda, and the labels failed to state that fact.

DISPOSITION: January 31, 1950. H. M. Field, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

TOMATOES AND TOMATO PRODUCTS*

15885. Adulteration of canned tomatoes. U. S. v. 597 Cases * * *. (F. D. C. No. 28559. Sample No. 46337-K.)

LIBEL FILED: On or about December 16, 1949, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about August 26, 1949, by the Indiana Mushroom Corp., from West Terre Haute, Ind.

PRODUCT: 597 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Mattoon, Ill.

LABEL, IN PART: (Can) "Crystal Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: January 19, 1950. Default decree of condemnation. The court ordered that the product be sold for purposes other than for human consumption, or in the event of failure to so dispose of the product, that it be destroyed.

15886. Adulteration of canned tomatoes. U. S. v. 169 Cases * * *. (F. D. C. No. 28424. Sample No. 42874-K.)

LIBEL FILED: December 5, 1949, Western District of Michigan.

ALLEGED SHIPMENT: On or about July 18, 1949, by the Indiana Mushroom Corp., from West Terre Haute, Ind.

PRODUCT: 169 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Grand Rapids, Mich.

LABEL, IN PART: "Dawn Fresh Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: January 31, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

15887. Misbranding of canned peeled tomatoes and puree. U. S. v. 996 Cases * * *. (F. D. C. No. 28456. Sample No. 57092-K.)

LIBEL FILED: December 5, 1949, Eastern District of New York.

*See also No. 15853.

ALLEGED SHIPMENT: On or about October 7, 1949, by the Hershel California Fruit Products Co., from San Jose, Calif.

PRODUCT: 996 cases, each containing 24 cans, of peeled tomatoes and puree at Brooklyn, N. Y.

LABEL, IN PART: (Can) "Pacific Star Italian Style Peeled Tomatoes and Puree * * * Contents 1 Lb. 12 Oz. Met. Equiv. 794 Grams."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short of the declared weight.)

DISPOSITION: February 16, 1950. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions for their use and not for sale.

15888. Adulteration and misbranding of tomato puree. U. S. v. 100 Cases * * *. (F. D. C. No. 28279. Sample No. 54286-K.)

LIBEL FILED: November 9, 1949, Western District of Louisiana.

ALLEGED SHIPMENT: On or about September 23, 1949, by the Akin Products Co., from Mission, Tex.

PRODUCT: 100 cases, each containing 6 No. 10 cans, of tomato puree at Shreveport, La.

LABEL, IN PART: "Val-Tex Brand Tomato Puree Net Contents 4 $\frac{3}{4}$ Oz. Avoir."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained approximately 6 pounds and 6 ounces.) Further misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: February 27, 1950. Default decree of condemnation and destruction.

15889. Adulteration and misbranding of tomato puree. U. S. v. 39 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 28516, 28517. Sample Nos. 54665-K, 54666-K.)

LIBELS FILED: January 12, 1950, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 1 and November 10, 1949, by the Akin Products Co., from Mission, Tex.

PRODUCT: 98 cases, each containing 6 10-pound cans, of tomato puree at New Orleans, La.

LABEL, IN PART: (Can) "Val-Tex Brand Tomato Puree Net Contents 4 $\frac{3}{4}$ Oz. Avoir."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product contained decomposed tomato material.)

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans were short of the declared weight.) Further misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: February 14, 1950. Default decrees of condemnation and destruction.

15890. Adulteration of tomato puree. U. S. v. 21 Cases * * *. (F. D. C. No. 28431. Sample No. 64152-K.)

LIBEL FILED: December 8, 1949, Southern District of Iowa.

ALLEGED SHIPMENT: On or about November 4 and 9, 1949, by the Lomax Canning Co., from Lomax, Ill.

PRODUCT: 21 cases, each containing 6 cans, and each can containing 6 pounds, 8 ounces, of tomato puree at Burlington, Iowa.

LABEL, IN PART: "Mississippi Valley Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 15, 1950. Default decree of condemnation and destruction.

NUTS AND NUT PRODUCTS

15891. Adulteration of mixed nuts. U. S. v. 10 Bags, etc. (F. D. C. Nos. 28405, 28406. Sample Nos. 43638-K, 43640-K.)

LIBEL FILED: December 5, 1949, Western District of Kentucky.

ALLEGED SHIPMENT: On or about November 4, 1949, by the Robert L. Berner Co., from Chicago, Ill.

PRODUCT: Mixed nuts. 10 25-pound bags and 14 50-pound bags at Owensboro, Ky.

LABEL, IN PART: "Mixed Nuts St. Nick Brand [or "Holiday Brand"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed nuts, and it was otherwise unfit for food by reason of the presence of empty shells.

DISPOSITION: February 9, 1950. Default decree of condemnation and destruction.

15892. Adulteration of brazil nuts. U. S. v. 2 Bags * * *. (F. D. C. No. 28589. Sample No. 61192-K.)

LIBEL FILED: December 20, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about November 26, 1949, by the Robert L. Berner Co., from Chicago, Ill.

PRODUCT: 2 100-pound bags of brazil nuts at St. Louis, Mo.

LABEL, IN PART: "Holiday Brazil Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of moldy and rancid nuts, and it was otherwise unfit for food by reason of the presence of empty shells.

DISPOSITION: January 25, 1950. Default decree of condemnation and destruction.

15893. Adulteration of brazil nuts. U. S. v. 21 Cases * * *. (F. D. C. No. 28444. Sample No. 52592-K.)

LIBEL FILED: December 13, 1949, Western District of Kentucky.

ALLEGED SHIPMENT: On or about November 22, 1949, by the Robert L. Berner Co., from Chicago, Ill.

PRODUCT: 21 cases, each containing 24 1-pound bags, of brazil nuts at Louisville, Ky.

LABEL, IN PART: "Holiday Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed brazil nuts.

DISPOSITION: January 25, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

15894. Adulteration of brazil nuts. U. S. v. 50 Bags * * *. (F. D. C. No. 28585. Sample No. 61187-K.)

LIBEL FILED: On or about December 30, 1949, Southern District of Illinois.

ALLEGED SHIPMENT: On or about November 10, 1949, by Wm. A. Higgins & Co., Inc., from Chicago, Ill.

PRODUCT: 50 100-pound bags of brazil nuts at Granite City, Ill.

LABEL, IN PART: "Holly New Crop Large Washed Brazil Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested brazil nuts, and of a decomposed substance by reason of the presence of moldy and rancid brazil nuts.

DISPOSITION: April 3, 1950. Default decree of condemnation and destruction.

15895. Adulteration of brazil nuts. U. S. v. 38 Cases * * *. (F. D. C. No. 28438. Sample No. 72009-K.)

LIBEL FILED: December 12, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 3, 1949, by the Graham Co., from New York, N. Y.

PRODUCT: 38 cases, each containing 24 1-pound bags, of brazil nuts at Columbus, Ohio.

LABEL, IN PART: "Redbow Brazil Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and otherwise decomposed brazil nuts.

DISPOSITION: March 10, 1950. Default decree of destruction.

15896. Adulteration of brazil nuts and chili peppers. U. S. v. 5 Bags, etc.
(F. D. C. No. 28439. Sample Nos. 61183-K, 61600-K.)

LIBEL FILED: December 12, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: The place from which the brazil nuts were shipped and the date of shipment were unknown. The chili peppers were shipped on or about September 18, 1948, from Huntington Beach, Calif.

PRODUCT: 5 50-pound bags of brazil nuts and 4 bags, each containing approximately 290 pounds, of chili peppers at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances by reason of the presence of (brazil nuts) moldy and rancid nuts and (chili peppers) mold. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 25, 1950. Default decree of condemnation and destruction.

15897. Adulteration of cashew nuts. U. S. v. 12 Tins * * *. (F. D. C. No. 28569. Sample No. 49578-K.)

LIBEL FILED: December 28, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about November 3, 1948, and June 6, 1949, from New York, N. Y.

PRODUCT: 12 25-pound tins of cashew nuts at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 25, 1950. Default decree of condemnation and destruction.

15898. Adulteration of shelled pecans. U. S. v. 9 Cases * * *. (F. D. C. No. 28502. Sample No. 57419-K.)

LIBEL FILED: December 29, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about November 28, 1949, by the Orangeburg Pecan Co., from Orangeburg, S. C.

PRODUCT: 9 30-pound cases of shelled pecans at New Haven, Conn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and rancid pecans, and it was otherwise unfit for food by reason of the presence of shriveled pecans.

DISPOSITION: February 21, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as hog feed.

15899. Adulteration of shelled walnuts. U. S. v. 4 Cartons * * *. (F. D. C. No. 28410. Sample No. 50540-K.)

LIBEL FILED: December 1, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about November 16, 1949, by Roy Watson, from Portland, Oreg.

PRODUCT: 4 25-pound cartons of shelled walnuts at Tacoma, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy nuts.

DISPOSITION: January 23, 1950. Default decree of condemnation and destruction.

15900. Adulteration of peanut butter. U. S. v. 9 Cases * * *. (F. D. C. No. 27205. Sample No. 56329-K.)

LIBEL FILED: May 9, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about March 25, 1949, by Newark Packing Co., Inc., from Newark, N. J.

PRODUCT: 9 cases, each containing 6 6 $\frac{3}{4}$ -pound cans, of peanut butter at New Haven, Conn.

LABEL, IN PART: (Can) "Aster Brand Peanut Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 3, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as hog feed.

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Fig paste----- 15877	Peppers, chili----- 15896
Fish and shellfish----- 15862-15874	

N. J. No.	N. J. No.
Pickles, sweet-----	15884
Preserves, strawberry-----	15878
Relish, sweet-----	15884
Shellfish. See Fish and shellfish.	
Shrimp, canned-----	15869-15871
frozen-----	15872-15874
Strawberry preserves-----	15878
puree-----	15879
Tomato(es), canned-----	15885, 15886
and puree-----	15887
juice-----	15853
puree-----	15888-15890
Tullibees, frozen-----	15862, 15863
Vegetables. See Fruits and vegetables.	
Walnuts, shelled-----	15899

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

N. J. No.	N. J. No.
Akin Products Co.:	
tomato puree-----	15888, 15889
Alaskan Glacier Sea Food Co.:	
frozen clams-----	15865
American Food Products Co.:	
canned shrimp-----	15870
Armstrong Gimli Fisheries, Ltd.:	
frozen tullibees-----	15862, 15863
Berner, Robert L., Co.:	
brazil nuts-----	15892, 15893
mixed nuts-----	15891
Burkey's Creamery:	
butter-----	15855
Coastal Freezing Plant:	
frozen shrimp-----	15872
Colonial Mfg. Co.:	
apple butter-----	15876
Cutcher Canning Co.:	
canned shrimp-----	15871
Dardanes, G. A.:	
cheese-----	15860
Deepsouth Packing Co.:	
canned shrimp-----	15869
Dionisio, R. V.:	
cheese-----	15859
Field, H. M., Inc.:	
pickles, chow-chow, and relish-----	15884
Fox, Peter, Sons Co.:	
butter-----	15857
Frigid Food Products, Inc.:	
strawberry puree-----	15879
Fruitcrest Corp.:	
strawberry preserves-----	15878
Garin Co.:	
celery-----	15880
Graham Co.:	
brazil nuts-----	15895
Gross, Straker:	
frozen tullibees-----	15863
Haines Oyster Co.:	
frozen clams-----	15865
canned-----	15864
Hershel California Fruit Products Co.:	
canned peeled tomatoes and puree-----	15887
Higgins, Wm. A., & Co., Inc.:	
brazil nuts-----	15894
Indiana Mushroom Corp.:	
canned tomatoes-----	15885, 15886
Indiana Produce Co.:	
butter-----	15857
June Dairy Products Co., Inc.:	
butter-----	15856
Kent Products, Inc.:	
butter-----	15854
Kobrick:	
coffee-----	15852
Lancaster Canning Co.:	
canned corn-----	15882
Lomax Canning Co.:	
tomato puree-----	15890
Morgan City Canning Co., Inc.:	
frozen shrimp-----	15873, 15874
New Effington Creamery:	
butter-----	15858
Newark Packing Co., Inc.:	
peanut butter-----	15900
Orangeburg Pecan Co.:	
shelled pecans-----	15898
Pelto, A. A.:	
blueberries-----	15875
Producers Creamery Co.:	
butter-----	15856
Sciacca, Jack:	
goat milk cheese-----	15861
Smith, H. A.:	
oysters-----	15867

	N. J. No.		N. J. No.
Southland Canning & Packing Co.:		Tri County Vegetable Exchange:	
canned oysters-----	15868	celery-----	15881
Stanford Tea & Coffee Co.:		Waldman Fish Co.:	
coffee-----	15851	frozen tullibees-----	15862
Stokely-Van Camp, Inc.:		Watson, Roy:	
canned peas-----	15883	shelled walnuts-----	15899
Thomasello:		Webster, R. L.:	
celery-----	15881	oysters-----	15866
		Woodruff Canning Co., Inc.:	
		tomato juice-----	15853

(C)

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

15901-15950

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *July 13, 1950.*

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1011

CEREALS AND CEREAL PRODUCTS

FLOUR

15901. Adulteration of self-rising flour, phosphated flour, and dairy feed, and misbranding of hog feed and dairy feed. U. S. v. Galveston Mills, Inc., and Giles H. Vaden, Jr. Pleas of guilty. Corporation fined \$450; individual defendant fined \$75. Both defendants placed on probation for 1 year. (F. D. C. No. 27533. Sample Nos. 3971-K, 3975-K, 47806-K to 47808-K, incl.)

INFORMATION FILED: November 3, 1949, Western District of Virginia, against Galveston Mills, Inc., and Giles H. Vaden, Jr., secretary-treasurer and plant manager.

ALLEGED SHIPMENT: On or about July 1, 1948, and February 12 and May 18, 1949, from the State of Virginia into the State of North Carolina.

LABEL, IN PART: "Eagle Brand Flour * * * Enriched Self-Rising [or "Enriched Phosphated"]," "Gretna Hog Feed * * * Analysis Protein (Min.) ---- 15% * * * Fibre (Max.) ---- 8%," and "Gretna 16% Dairy Feed Ingredients Soy bean oil meal, peanut oil meal, cottonseed meal, corn gluten feed * * * Proteins (Min.) ---- 16% * * * Fibre (Max.) ---- 15%."

NATURE OF CHARGE: Flour. Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect larvae, larval head capsules, insect fragments, mites, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Gretna 16% Dairy Feed. Adulteration, Section 402 (b) (1), a valuable constituent, peanut oil meal, had been in part omitted. Misbranding, Section, 403 (a), the label statements "Proteins (Min.) ---- 16% * * * Fibre (Max.) ---- 15%" and "Ingredients * * * peanut oil meal" were false and misleading since the product contained less than 16 percent of protein and more than 15 percent of crude fiber, and it did not contain any appreciable amount of peanut oil meal but contained ground peanut hulls; and, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient since ground peanut hulls were not declared as an ingredient.

Gretna Hog Feed. Misbranding, Section 403 (a), the label statements "Protein (Min.) ---- 15%" and "Fibre (Max.) ---- 8%" were false and misleading since the product contained less than 15 percent of protein and more than 8 percent of fiber.

DISPOSITION: February 27, 1950. Pleas of guilty having been entered, the court fined the corporation \$450 and the individual defendant \$75 and placed both defendants on probation for one year.

15902. Adulteration of plain flour and self-rising flour. U. S. v. 16 Bags, etc.
(F. D. C. No. 28671. Sample Nos. 2983-K, 2984-K.)

LIBEL FILED: On or about January 5, 1950, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about November 30, 1949, by the Fort Defiance Mills, from Fort Defiance, Va.

PRODUCT: 16 25-pound bags and 19 100-pound bags of plain flour and 15 25-pound bags of self-rising flour at Winston-Salem, N. C.

LABEL, IN PART: "Cream of the Harvest Bleached Flour Plain" or "Nor-So-Na Self Rising Flour Enriched."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have been contaminated with filth.

DISPOSITION: March 17, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

15903. Adulteration of dehydrated corn. U. S. v. 13 Drums * * *. (F. D. C. No. 28611. Sample No. 43242-K.)

LIBEL FILED: December 28, 1949, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about July 21, 1949, by the E. B. Hostetter Co., from Richwood, Ohio.

PRODUCT: 13 150-pound drums of dehydrated corn at Lapeer, Mich.

LABEL, IN PART: "Nunso Tender Evaporated Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. Examination showed that the product contained rodent excreta and insects.

DISPOSITION: February 13, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

15904. Adulteration of unpopped popcorn. U. S. v. 154 Bags * * *. (F. D. C. No. 28317. Sample No. 63734-K.)

LIBEL FILED: On or about December 14, 1949, Northern District of Georgia.

ALLEGED SHIPMENT: On or about September 20, 1949, by the J. A. McCarty Seed Co., from Evansville, Ind.

PRODUCT: 154 100-pound bags of unpopped popcorn at Atlanta, Ga.

LABEL, IN PART: "Movie Hour Hybrid South American Popcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent excreta; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 7, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

15905. Adulteration of unpopped popcorn. U. S. v. 72 Bags * * *. (F. D. C. No. 28607. Sample No. 67933-K.)

LIBEL FILED: December 28, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about January 4, 1949, from Lawrence, Kans.

PRODUCT: 72 100-pound bags of unpopped popcorn at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 6, 1950. The Barteldes Seed Co., Denver, Colo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. Only 6,950 pounds of the product were seized, and the salvaging operations resulted in 4,897 pounds of recleaned popcorn. The remainder was denatured for use as pigeon feed.

15906. Adulteration and misbranding of pulverized white oats. U. S. v. 300 Sacks * * *. (F. D. C. No. 28744. Sample No. 79402-K.)

LIBEL FILED: February 28, 1950, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 15, 1949, by the La Crosse Milling Co., from Cochrane, Wis.

PRODUCT: 300 100-pound sacks of pulverized white oats at Wellesley, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of oat mill feed, ground weed seeds, and ground oats had been substituted in whole or in part for pulverized white oats, which the product purported to be.

Misbranding, Section 403 (a), the label statement "Pulverized White Oats" was false and misleading.

DISPOSITION: March 23, 1950. The La Crosse Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

15907. Adulteration of wheat. U. S. v. 1 Carload * * *. (F. D. C. No. 28557. Sample No. 21570-K.)

LIBEL FILED: On or about December 15, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about December 6, 1949, by the Farmers Union Cooperative Elevator Assn., from Fairbury, Nebr.

PRODUCT: 1 carload of wheat consisting of 120,000 pounds at Kansas City, Mo. Examination disclosed that the car containing the wheat had been plugged with one-eighth musty and other unfit grain and that the top seven-eighths of the car contained sound grain.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of musty and other unfit grain.

DISPOSITION: December 19, 1949. The Farmers Union Cooperative Elevator Assn., Fairbury, Nebr., having appeared as claimant, judgment was entered providing for the release of the product under bond, to be brought into compliance with the law, under the supervision of the Food and Drug Administration. A total of 19,770 pounds of wheat was found unfit and was denatured for use as animal feed, and the remainder of the wheat was released for use as human food.

15908. Adulteration of wheat flakes. U. S. v. 83 Bags * * *. (F. D. C. No. 28606. Sample No. 48600-K.)

LIBEL FILED: December 28, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about December 14, 1949, from Reading, Pa. This was a return shipment.

PRODUCT: 83 100-pound bags of wheat flakes at Geneva, N. Y.

LABEL, IN PART: "Maltoid."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: March 2, 1950. Default decree of condemnation. The court ordered that the product be delivered to a city zoo, for use as animal feed.

CONFECTIONERY

15909. Adulteration of candy. U. S. v. 213 Boxes * * *. (F. D. C. No. 28672. Sample No. 62574-K.)

LIBEL FILED: January 5, 1950, District of Connecticut.

ALLEGED SHIPMENT: On or about November 7, 1949, by Kazarian Brothers, from Providence, R. I.

PRODUCT: 213 boxes of candy at Hartford, Conn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 4, 1950. Default decree of condemnation and destruction.

15910. Adulteration of candy. U. S. v. 54 Cases * * *. (F. D. C. Nos. 28639, 28661. Sample Nos. 71277-K, 71282-K, 71283-K.)

LIBEL FILED: January 9, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about December 15, 1949, by the Garlon-Nelson Candy Co., from Texarkana, Ark.

PRODUCT: 54 cases, each containing 12 cartons, of candy at Los Angles, Calif.

LABEL, IN PART: "Mint Stick Candy" or "Garlon's Peppermint Sticks Trick or Treat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 10, 1950. Default decree of condemnation and destruction.

15911. Adulteration and misbranding of candy. U. S. v. 13 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 28316, 28461, 28462. Sample Nos. 57393-K, 57396-K, 57402-K.)

LIBELS FILED: November 25, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about October 21, 1949, by the Marlon Confections Corp., from New York, N. Y.

PRODUCT: Candy. 208 cartons at Bridgeport, Conn., 92 cartons at Hartford, Conn., and 92 cartons at New Haven, Conn. Each carton contained 24 1 1/8-ounce units.

LABEL, IN PART: (Package) "Marlon Chocolate Double Dipped Strawberries in Cordial."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), artificially colored and flavored grapes had been substituted for strawberries.

Misbranding, Section 403 (a), the label statement "Strawberries in Cordial" and the vignette depicting chocolate cordials surrounded by strawberries were false and misleading; and, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of the ingredient, grapes.

DISPOSITION: February 6, 1950. Default decrees of condemnation. The court ordered that the product be delivered to charitable institutions.

15912. Adulteration and misbranding of candy. U. S. v. 37 Boxes * * *. (F. D. C. No. 28665. Sample No. 70129-K.)

LIBLE FILED: January 17, 1950, District of Nebraska.

ALLEGED SHIPMENT: On or about December 2, 1949, by the Sifers Candy Co., from Iola, Kans.

PRODUCT: 37 boxes each containing 24 candy bars at Omaha, Nebr.

LABEL, IN PART: "Sifers Cocoanut Twins Chocolate Covered Net Weight 1½ Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The candy bars weighed less than the declared 1½ ounces.)

DISPOSITION: February 23, 1950. Default decree of condemnation and destruction.

15913. Misbranding of candy. U. S. v. 60 Boxes * * *. (F. D. C. No. 28668. Sample No. 57100-K.)

LIBLE FILED: January 4, 1950, District of New Jersey.

ALLEGED SHIPMENT: On or about November 17 and 25, 1949, by Bard & Margolies, from Brooklyn, N. Y.

PRODUCT: 60 1-pound boxes of candy at Newark, N. J.

LABEL, IN PART: "Helen T. Brook Nuts & Fruits Assortment Net Weight One Pound."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The boxes were short of the declared weight.)

DISPOSITION: February 14, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

15914. Adulteration of candied popcorn. U. S. v. 100 Cases * * *. (F. D. C. No. 28646. Sample No. 67941-K.)

LIBLE FILED: On or about January 19, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 5, 1950, by Pop Corning's Co., from Pueblo, Colo.

PRODUCT: 100 cases, each containing 50 1¼-ounce boxes, of candied popcorn at Springfield, Mo.

LABEL, IN PART: "Pop Corn-ings Prize Circus Pack."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained an added deleterious substance, plastic toys, which may have rendered the product injurious to health.

DISPOSITION: March 1, 1950. Default decree of condemnation and destruction.

FISH AND SHELLFISH

15915. Adulteration of frozen butterfish. U. S. v. 26 Cases * * *. (F. D. C. No. 28689. Sample Nos. 10346-K, 73801-K.)

LIBEL FILED: January 11, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about September 18, 1949, by Boat "New England," from Stonington, Conn.

PRODUCT: 26 cases, each containing 3 20-pound cartons, of frozen butterfish at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed the presence of decomposed fish.)

DISPOSITION: February 3, 1950. Default decree of condemnation and destruction.

15916. Adulteration of frozen tullibees. U. S. v. 30 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 28696, 28699. Sample Nos. 73489-K, 73490-K.)

LIBELS FILED: January 31, 1950, District of Connecticut.

ALLEGED SHIPMENT: On or about September 10 and 17 and December 28, 1949, by the Waldman's Fish Co., from Montreal, Canada.

PRODUCT: 43 100-pound boxes of frozen tullibees at New Haven, Conn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms, and 30 boxes of the product were further adulterated in that they consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: February 10, 1950. No claimant having appeared, judgments of condemnation and destruction were entered and the court ordered that the product be used for fertilizer.

15917. Adulteration of frozen whitefish. U. S. v. 2,276 Pounds * * *. (F. D. C. No. 28641. Sample No. 16306-K.)

LIBEL FILED: January 11, 1950, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about August 24, 1949, from Chicago, Ill.

PRODUCT: 2,276 pounds of frozen whitefish at Bay City, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 11, 1950. Default decree of condemnation. The court ordered that the product be delivered to farmers for use as feed and fertilizer. The product was used for fertilizer.

15918. Adulteration of oysters. U. S. v. 1,000 Pints * * *. (F. D. C. No. 28590. Sample No. 72369-K.)

LABEL FILED: December 21, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 14, 1949, by McCready Brothers, Cheriton, Va.

PRODUCT: 1,000 pints of oysters at Milford, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: February 24, 1950. Default decree of condemnation and destruction.

15919. Adulteration of canned shrimp. U. S. v. 32 Cases * * *. (F. D. C. No. 28649. Sample Nos. 54727-K to 54732-K, incl.)

LABEL FILED: January 12, 1950, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about December 16, 20, 21, and 28, 1949, from the States of Colorado, Wyoming, and Nebraska. These were return shipments.

PRODUCT: 32 cases, each containing 48 unlabeled 5-ounce cans, of shrimp at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed the presence of decomposed shrimp.)

DISPOSITION: February 14, 1950. Default decree of condemnation and destruction.

15920. Adulteration of frozen shrimp. U. S. v. 286 Cases * * *. (F. D. C. No. 28599. Sample Nos. 67629-K, 75408-K.)

LABEL FILED: December 23, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about November 11, 1949, by the Koulouris & Casaretto Co., from Los Angeles, Calif.

PRODUCT: 286 cases, each containing 10 1-pound cartons, of frozen shrimp at Denver, Colo.

LABEL, IN PART: "C F O Blue Diamond Frozen Fresh Shrimp * * * Packed By Central Fish and Oyster Co. Los Angeles, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: February 10, 1950. Koulouris & Casaretto Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The salvage operations resulted in the recovery of 2,306 pounds of shrimp.

15921 Adulteration of frozen shrimp. U. S. v. 31 Cases * * *. (F. D. C. No. 28608. Sample No. 30462-K.)

LIBEL FILED: December 28, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about November 16, 1948, by the Nogales Freezing & Cold Storage Co., from Nogales, Ariz.

PRODUCT: 31 cases, each containing 8 5-pound cartons, of frozen shrimp at San Diego, Calif.

LABEL, IN PART: "Gulf of California Fresh Frozen Shrimp Distributed by Marine Products Co., San Diego, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: February 21, 1950. Default decree of condemnation. The court ordered that the product be delivered to a State agency, for use as fish food.

FRUITS AND VEGETABLES

CANNED FRUIT*

15922. Adulteration of canned blackberries. U. S. v. 28 Cases * * *. (F. D. C. No. 28609. Sample No. 61530-K.)

LIBEL FILED: December 29, 1949, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 8, 1949, by the Wilson Co., from Crane, Mo.

PRODUCT: 28 cases, each containing 6 6-pound, 7-ounce cans, of blackberries at Memphis, Tenn.

LABEL, IN PART: "Staff-o-Life Brand Blackberries * * * Distributed by Canners Exchange Inc., Springfield, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy berries.

DISPOSITION: January 30, 1950. Default decree of condemnation and destruction.

15923. Adulteration of canned black raspberries. U. S. v. 156 Cases * * *. (F D. C. No. 28651. Sample No. 52772-K.)

LIBEL FILED: January 17, 1950, Southern District of Indiana.

ALLEGED SHIPMENT: On or about September 1, 1949, by the Paw Paw Canning Co., from Paw Paw, Mich.

PRODUCT: 156 cases, each containing 24 1-pound, 3-ounce cans, of black raspberries at Indianapolis, Ind.

LABEL, IN PART: "Little Sport Brand Black Raspberries Water Pack."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed berries.)

DISPOSITION: March 10, 1950. Default decree of forfeiture and destruction.

*See also No. 15936.

VEGETABLES AND VEGETABLE PRODUCTS

15924. Adulteration of celery. U. S. v. 1,008 Crates * * *. (F. D. C. No. 28689. Sample Nos. 63361-K, 63362-K.)

LIBEL FILED: January 26, 1950, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 6 and 9, 1950, by T. Thomasello, from Watsonville, Calif.

PRODUCT: 1,008 crates of celery at Boston, Mass.

LABEL, IN PART: "Tri X."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softening, due to freezing.

DISPOSITION: January 30, 1950. Default decree of condemnation and destruction.

15925. Adulteration of celery. U. S. v. 450 Crates * * *. (F. D. C. No. 28656. Sample No 68360-K.)

LIBEL FILED: January 16, 1950, Western District of Washington.

ALLEGED SHIPMENT: On or about January 5, 1950, by the Du-Bal Packing Co., from Salinas, Calif.

PRODUCT: 450 crates of celery at Seattle, Wash.

LABEL, IN PART: "Royal Family Brand Calif. Vegetables Pascal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reasons of its discoloration, pithiness, and softening, due to freezing.

DISPOSITION: January 21, 1950. The Pacific Gamble Robinson Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The claimant having decided that salvaging was uneconomical, the product was destroyed.

15926. Adulteration of celery. U. S. v. 420 Crates * * *. (F. D. C. No. 28700. Sample No. 48953-K.)

LIBEL FILED: January 31, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 10, 1950, by the Salinas Valley Vegetable Exchange, from Salinas, Calif.

PRODUCT: 420 crates of celery at Philadelphia, Pa.

LABEL, IN PART: "Pebble Beach Celery."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softening, due to freezing.

DISPOSITION: February 14, 1950. The shipper having consented to the entry of a decree, judgment of condemnation and destruction was entered.

15927. Adulteration of canned corn. U. S. v. 23 Cases, etc. (F. D. C. Nos. 28634, 28635 Sample Nos. 32142-K, 32145-K, 34409-K.)

LIBEL FILED: January 10, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about July 27 and October 24, 1949, by Stokely-Van Camp, Inc., from Gibson City, Ill.

PRODUCT: Corn. 23 cases, each containing 48 8-ounce cans, and 101 cases, each containing 24 1-pound, 1-ounce cans, at San Francisco, Calif.

LABEL, IN PART: "Stokely's Finest White Whole Kernel Country Gentleman Corn," "Stokely's Finest White Cream Style Corn," or "Stokely's Finest Cream Style Golden Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), portions of the product consisted in whole or in part of a filthy substance by reason of the presence of worm parts, and the remainder consisted in whole or in part of a decomposed substance.

DISPOSITION: March 17 and 23, 1950. Stokely-Van Camp, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered the product destroyed.

15928. Adulteration of canned corn. U. S. v. 15 Cases * * *. (F. D. C. No. 28636. Sample No. 33692-K.)

LIBEL FILED: January 11, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about October 24, 1949, by Stokely-Van Camp, Inc., from Gibson City, Ill.

PRODUCT: 15 cases, each containing 48 8-ounce cans, of corn at Sacramento, Calif.

LABEL, IN PART: (Can) "Stokely's Finest White Cream Style Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. (Examination disclosed that the product contained worms and worm parts.)

DISPOSITION: January 27, 1950. Default decree of condemnation and destruction.

15929. Adulteration and misbranding of canned corn. U. S. v. 49 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 28673, 28674. Sample Nos 61081-K, 61082-K.)

LIBELS FILED: On or about January 12 and 26, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about August 10, September 1, and October 1, 1949, by the Underwriters Salvage Co., from Chicago, Ill.

PRODUCT: Canned corn. 49 cases at West Plains, Mo., and 77 cases at Springfield, Mo. Each case contained 24 unlabeled No. 2 cans.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

Misbranding, Sections 403 (e) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (g) (2), the product purported to be and was represented as canned corn, and its label failed to bear the name of the food specified in the definition and standard.

DISPOSITION: March 1, 1950. Default decrees of destruction.

15930. Adulteration of canned mustard greens. U. S. v. 190 Cases * * *. (F. D. C. No. 28616. Sample No. 61482-K.)

LIBEL FILED: On or about January 11, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 24 and November 14, 1949, by the Thomas & Drake Canning Co., Haskell, Okla.

PRODUCT: 190 cases, each case containing 24 1-pound, 2-ounce cans, of mustard greens at Springfield, Mo.

LABEL, IN PART: "Lahoma Brand Mustard Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of aphids, thrips, and larvae.

DISPOSITION: February 17, 1950. Default decree of destruction.

15931. Misbranding of sweet pickles. U. S. v. 7 Cases * * *. (F. D. C. No. 28629. Sample No. 32688-K.)

LIBEL FILED: January 16, 1950, District of Nevada.

ALLEGED SHIPMENT: On or about June 16, 1949, by the Monterey Beach Packing Co., from Watsonville, Calif.

PRODUCT: 7 cases, each containing 6 cans, of sweet pickles at Reno, Nev.

LABEL, IN PART: "Contents 7 Sweet Pickles MBP Brand."

NATURE OF CHARGE: Misbranding, Section 403 (k), the product contained a chemical preservative, sodium benzoate, and failed to bear labeling stating that fact.

DISPOSITION: February 7, 1950. Default decree of condemnation. The court ordered that the product be delivered to a State institution, together with a letter advising the head of the institution that the product contained benzoate of soda.

15932. Adulteration of canned sweet potatoes. U. S. v. 163 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 28623, 28624. Sample Nos. 76512-K, 76513-K, 76519-K.)

LIBELS FILED: January 5, 1950, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 31 and November 16, 1949, by H. E. Kelley & Co., from New Church, Va.

PRODUCT: Sweet potatoes. 226 cases, each containing 6 6-pound, 6-ounce cans, and 556 cases, each containing 24 1-pound, 7-ounce cans, at St. Louis, Mo.

LABEL, IN PART: (Can) "Kelley's Whole Sweet Potatoes In Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed sweet potatoes.

DISPOSITION: February 3, 1950. Default decrees of condemnation and destruction.

15933. Adulteration of canned sweet potatoes. U. S. v. 42 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 28613, 28797. Sample Nos. 52739-K, 52740-K, 76517-K, 76518-K.)

LIBELS FILED: December 28, 1949, and January 31, 1950, Eastern District of Missouri and Southern District of Indiana.

ALLEGED SHIPMENT: On or about September 27, October 31, and November 16, 1949, by H. E. Kelley & Co., from New Church, Va.

PRODUCT: Sweet potatoes. 42 cases, each containing 6 6-pound, 6-ounce cans, and 150 cases, each containing 24 1-pound, 7-ounce cans, at St. Louis, Mo., and 31 cases, each containing 24 1-pound, 7-ounce cans, at Indianapolis, Ind.

LABEL, IN PART: (Can) "Kelley's * * * Sweet Potatoes In Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed sweet potatoes.

DISPOSITION: January 26 and March 10, 1950. Default decrees of condemnation and destruction.

15934 Adulteration of canned sweet potatoes. U. S. v. 106 Cases * * *.
(F. D. C. No. 28633. Sample Nos. 76520-K; 76706-K.)

LIBEL FILED: January 9, 1950, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 1 and 15, 1949, by Allen Foods, Inc., from O'Fallon, Ill.

PRODUCT: 106 cases, each containing 6 6-pound, 6-ounce cans, of sweet potatoes at St. Louis, Mo.

LABEL, IN PART: "Kelley's Whole Sweet Potatoes In Syrup * * *
Grown and Packed By H. E. Kelley & Company, New Church, Va."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 6, 1950. Default decree of condemnation and destruction.

15935. Adulteration of canned sauerkraut. U. S. v. 1,162 Cases * * *. (F. D. C. No. 28493. Sample No. 48619-K.)

LIBEL FILED: December 20, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 21 and 25, 1949, by the McIvor Kraut Co., from Oaks Corners, N. Y.

PRODUCT: 1,162 cases, each containing 24 1-pound, 11-ounce cans, of sauerkraut at Philadelphia, Pa.

LABEL, IN PART: (Can) "Grade A A&P Sauerkraut."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 2, 1950. Default decree of condemnation and destruction.

15936. Adulteration of canned baby food. U. S. v. 27 Cases, etc. (F. D. C. No. 28528. Sample Nos. 46341-K to 46348-K, incl.)

LIBEL FILED: January 24, 1950, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about April 20, May 5, and September 28, 1948, from Terre Haute, Ind.

PRODUCT: 27 cases, each containing 24 4 3/4-ounce jars, and 30 cases, each containing 24 7 3/4-ounce jars, of baby food at Mattoon, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 2, 1950. Default decree of condemnation. The court ordered that the product be sold for purposes other than for human consumption; otherwise, it was to be destroyed.

TOMATOES AND TOMATO PRODUCTS

15937. Adulteration of canned tomatoes. U. S. v. 44 Cases * * *. (F. D. C. No. 28692. Sample No. 63391-K.)

LIBEL FILED: On January 26, 1950, District of Maine.

ALLEGED SHIPMENT: On or about November 17, 1949, by the St. Mary's Packing Co., from Van Wert, Ohio.

PRODUCT: 44 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Deering Junction, Maine.

LABEL, IN PART: (Can) "Finast Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 9, 1950. Default decree of condemnation and destruction.

15938. Adulteration of tomato puree. U. S. v. 165 Cases * * *. (F. D. C. No. 28686. Sample No. 48705-K.)

LIBEL FILED: January 11, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 2, 1949, by R. S. Watson & Son, from Greenwich, N. J.

PRODUCT: 165 cases, each containing 6 6-pound, 9-ounce cans, of tomato puree at Philadelphia, Pa.

LABEL, IN PART: (Can) "La Salle * * * Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: February 8, 1950. Default decree of condemnation and destruction.

15939. Adulteration of tomato puree. U. S. v. 49 Cases * * *. (F. D. C. No. 28621. Sample No. 52945-K.)

LIBEL FILED: January 5, 1950, Northern District of Ohio.

ALLEGED SHIPMENT: On or about September 2, 1949, by the Blue River Canning Co., from Morristown, Ind.

PRODUCT: 49 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Lima, Ohio.

LABEL, IN PART: (Can) "Blue River Brand Fancy Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 1, 1950. Default decree of condemnation and destruction.

MEAT AND POULTRY

15940. Adulteration of rabbits. U. S. v. 212 Rabbits * * *. (F. D. C. No. 28625. Sample No. 7396-K.)

LIBEL FILED: January 4, 1950, Western District of New York.

ALLEGED SHIPMENT: On or about December 20, 1949, by Robert Mead, from Bolivar, Mo.

PRODUCT: 212 rabbits at Buffalo, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of contamination with feces.

DISPOSITION: January 30, 1950. Default decree of condemnation and destruction.

15941. Adulteration of dressed poultry. U. S. v. 34 Boxes * * *. (F. D. C. No. 28426. Sample No. 70013-K.)

LIBEL FILED: December 7, 1949, Southern District of Iowa.

ALLEGED SHIPMENT: On or about October 21, 1949, by Blue Star Foods, Inc., from Wahoo, Nebr.

PRODUCT: 34 boxes of dressed poultry at Council Bluffs, Iowa.

LABEL, IN PART: (Box) "Fatted Better Fed Red Diamond Fowl 12 Pieces Net. Wt. 50 Packed By Blue Star Produce Inc. Gen. Off. Co. Bluffs, Ia."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of chicken fecal matter and rodent excreta pellets: and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 3, 1950. Blue Star Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning, under the supervision of the Federal Security Agency. The product was reconditioned by washing and cleaning.

SPICES, FLAVORS, AND SEASONING MATERIALS

15942. Adulteration of mustard seed. U. S. v. 126 Bags, etc. (F. D. C. No. 28416. Sample Nos. 58244-K, 58245-K.)

LIBEL FILED: December 2, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about August 11 and 15, 1949, from Sunburst, Mont.

PRODUCT: 141 100-pound bags of mustard seed at Los Angeles, Calif., in possession of Lady's Choice Foods.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 6, 1950. Lady's Choice Foods, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be cleaned, under the supervision of the Food and Drug Administration. All filth and extraneous matter was removed, which resulted in the salvaging of 13,800 pounds of mustard seed.

15943. Adulteration of chili powder. U. S. v. 2 Bags * * *. (F. D. C. No. 28650. Sample No. 71273-K.)

LIBEL FILED: January 17, 1950, southern District of California.

ALLEGED SHIPMENT: On or about December 3, 1949, by the C. L. Prats Chili Co., from Douglas, Ariz.

PRODUCT: 2 100-pound bags of chili powder at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hairs.

DISPOSITION: February 10, 1950. Default decree of condemnation and destruction.

15944. Adulteration and misbranding of vanilla flavor. U. S. v. 1 Barrel * * *. (F. D. C. No. 28720. Sample No. 67150-K.)

LIBEL FILED: February 14, 1950, District of Columbia.

ALLEGED SHIPMENT: On or about December 27, 1949, by Parker Vanilla Products, from Baltimore, Md.

PRODUCT: 1 15-gallon barrel of vanilla at Washington, D. C.

LABEL, IN PART: (Barrel) "Pure Vanilla Flavor (Supra) A."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial vanillin had been added to the product and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the name "Pure Vanilla Flavor" was false and misleading since the product was a mixture of vanilla flavor and artificial vanillin; Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient since artificial vanillin was not declared; and, Section 403 (k), the product contained artificial flavoring and failed to bear a label stating that fact.

DISPOSITION: March 9, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

15945. Adulteration and misbranding of vitamin-enriched iodized salt. U. S. v. 22 Cases * * *. (F. D. C. No. 28392. Sample No. 64448-K.)

LIBEL FILED: November 30, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about August 1, 1949, by Labmasters, Inc., from Lincoln, Nebr.

PRODUCT: 22 cases, each containing 12 1-pound cartons, of vitamin-enriched iodized salt at Minneapolis, Minn.

LABEL, IN PART: (Carton) "Salt-Em-In Vitamin B₁ & B₂ Coated Iodized Salt * * * Contents * * * 0.01% Potassium Iodide * * * Thiamin B₁ (1.0 mg.) * * * Net Wt. 1 Lb."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine (vitamin B₁) and potassium iodide, had been in whole or in part omitted from the product.

Misbranding, Section 403 (a), the label statements "0.01% Potassium Iodide * * * Thiamin B₁ (1.0 mg.) * * * Three grams ($\frac{1}{10}$ oz.) * * * Provide the following adult daily minimum requirements 100% Vitamin B₁" were false and misleading.

DISPOSITION: January 16, 1950. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

15946. Adulteration and misbranding of vitamin B complex tablets. U. S. v. 92 Bottles * * *. (F. D. C. No. 28470. Sample No. 11890-K.)

LIBEL FILED: On or about December 13, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about August 16, 1949, by White Laboratories, Inc., from Newark, N. J. The article was shipped in 4 drums, each containing approximately 100,000 tablets, and was repackaged by the consignee.

PRODUCT: 92 1,000-tablet bottles of vitamin B complex tablets at Goshen, N. Y. Examination showed that the product contained less thiamine, riboflavin, and nicotinic acid than declared on the drum labels.

LABEL, IN PART: (Drums) "Natural Vitamin B Complex Tablets Each tablet contains not less than: Thiamin 0.5 Milligram Riboflavin 0.5 Milligram * * * Nicotinic Acid 300.0 Micrograms."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine, riboflavin, and nicotinic acid, had been in part omitted from the product.

Misbranding, Section 403 (a), the label statement "Each tablet contains not less than: Thiamin 0.5 Milligram Riboflavin 0.5 Milligram * * * Nicotinic Acid 300.0 Micrograms" was false and misleading.

DISPOSITION: January 25, 1950. Default decree of condemnation and destruction.

15947. Misbranding of wheat germ oil capsules. U. S. v. 3 Bottles, etc. (F. D. C. No. 28006. Sample No. 13815-K.)

LIBEL FILED: September 27, 1949, Eastern District of Pennsylvania; amended libel filed on or about November 2, 1949.

ALLEGED SHIPMENT: On or about August 22 and September 16, 1949, from New York, N. Y.

PRODUCT: 3 500-capsule bottles and 66 90-capsule bottles of wheat germ oil capsules at Ivyland, Pa., in the possession of the Great Valley Mills.

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "a good source of vitamins of the wheat berry principally vitamins A B E & G" were false and misleading since the article when used as directed would provide no vitamins B or G, only a trace of vitamin A, and an inconsequential amount of vitamin E.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: December 12, 1949. Default decree of condemnation and destruction.

MISCELLANEOUS FOODS**

15948. Adulteration of food colors. U. S. v. J. Sklar & Co., Inc., and Jacob Sklar. Pleas of nolo contendere. Fine of \$100 against each defendant. (F. D. C. No. 28110. Sample Nos. 4792-K, 62374-K, 62375-K.)

*See also No. 15945.

**See also No. 15936.

INFORMATION FILED: January 10, 1950, District of Massachusetts, against J. Sklar & Co., Inc., Boston, Mass., and Jacob Sklar, president and treasurer.

ALLEGED SHIPMENT: On or about May 9, 10, and 27, 1949, from the State of Massachusetts into the States of New Hampshire and Rhode Island.

LABEL, IN PART: "J. Sklar and Company Baker's and Confectioner's Supplies Blue Color [or "Yellow Egg Color"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the articles had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth; and, Section 402 (c), the articles contained coal-tar colors, namely, F D & C Blue No. 1 in the "Blue Color" and F D & C Orange No. 1 and F D & C Yellow No. 5 in the "Yellow Egg Color," which colors were other than ones from batches that had been certified in accordance with the regulations.

DISPOSITION: January 31, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of \$100 against each defendant.

15949. Adulteration of pie filling. U. S. v. 104 Packages * * *. (F. D. C. No. 28428. Sample No. 45340-K.)

LIBEL FILED: December 8, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about May 11 and November 11, 1948, from Chicago, Ill.

PRODUCT: 104 1-pound packages of pie filling at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 10, 1950. Default decree providing for destruction of the product unless denatured for use as animal feed.

15950. Adulteration of raspberry seeds. U. S. v. 64 Tins, etc. (F. D. C. No. 27882. Sample Nos. 42849-K, 42850-K.)

LIBEL FILED: October 26, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 21 and 29, 1949, by Frigid Food Products, Inc., Detroit, Mich.

PRODUCT: 100 tins, each containing 25 to 30 pounds, of raspberry seeds at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

DISPOSITION: March 3, 1950. Default decree of condemnation and destruction.

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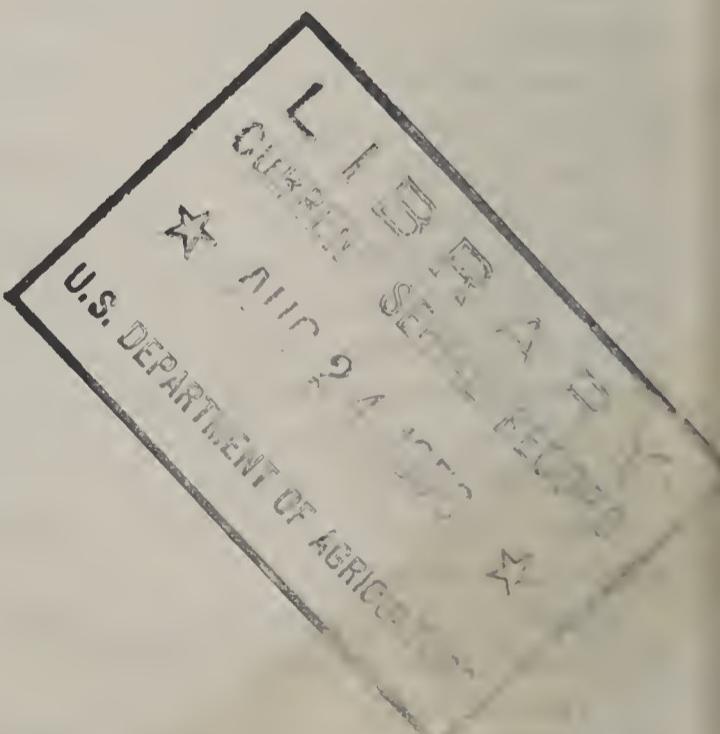
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Prats, C. L., Chili Co.:			
chili powder	15943		



FEDERAL SECURITY AGENCY**FOOD AND DRUG ADMINISTRATION****NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

15951-16000

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, *July 13, 1950.*

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BEVERAGES AND BEVERAGE MATERIALS

15951. Adulteration and misbranding of Vita Orange. U. S. v. 21 Cases * * *
(and 1 other seizure action). (F. D. C. Nos. 28288, 28321. Sample Nos. 63019-K, 63033-K.)

LIBELS FILED: November 14 and 25, 1949, District of Maine.

ALLEGED SHIPMENT: On or about October 7 and November 4, 1949, by the California Fruit Juice Co., from Waltham, Mass.

PRODUCT: 85 cases, each containing 6 ½-gallon jugs, of Vita Orange at Wells and Waterville, Maine. Examination showed that the product was a mixture of orange juice, orange oil, water, acid, sugar, and artificial color.

LABEL, IN PART: (Jug) "Vita Orange with Vitamins added."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial color had been added to the article and mixed and packed with it so as to make it appear to have more orange juice than it actually contained, and thus to be better or of greater value than it was.

Misbranding, Section 403 (a), the name "Vita Orange" on the bottle label and certain statements in an accompanying circular entitled "The Good Morning to Health" were false and misleading since they represented and suggested that the article was nutritionally better than orange juice; that it was a better source of vitamins than orange juice; that it would be effective to promote health and healthy bones, teeth, and gums; and that it would be effective in the treatment of colds and in the prevention of infections. The article was not nutritionally better than orange juice; it was not a better source of vitamins than orange juice; and it would not be effective for the purposes represented.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3033.

DISPOSITION: January 30, 1950. Default decrees of condemnation and destruction.

15952. Adulteration of tomato juice and tomato catsup. U. S. v. Vincennes Packing Corp. Plea of guilty. Fine, \$1,000. (F. D. C. No. 27528. Sample Nos. 20156-K, 20449-K, 21824-K, 25581-K, 46113-K, 53149-K.)

INFORMATION FILED: On or about January 18, 1950, Southern District of Indiana, against the Vincennes Packing Corp., Vincennes, Ind.

ALLEGED SHIPMENT: Between the approximate dates of October 2, 1948, and January 26, 1949, from the State of Indiana into the States of Missouri, Iowa, and Texas.

LABEL, IN PART: "Good Things To Eat Brand Tomato Juice Distributed by Fred Wolferman, Inc. Kansas City, Mo.," "Lee Tomato Juice Distributors The H. D. Lee Company, Inc. Kansas City, Mo.," "Clover Farm Tomato Catsup * * * Clover Farm Stores Corporation Distributors Cleveland, Ohio," "Vincennes Class A Brand * * * Tomato Juice Packed by Vincennes Packing Corporation," or "White Swan Tomato Juice * * * Distributed by Waples-Platter Company General Offices Fort Worth, Texas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of decomposed substances by reason of the presence of decomposed tomato material.

DISPOSITION: March 31, 1950. A plea of guilty having been entered, the court fined the corporation \$1,000.

15953. Adulteration of tomato juice. U. S. v. 311 Cases * * *. (F. D. C. No. 28664. Sample No. 68973-K.)

LIBLE FILED: January 16, 1950, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 21, 1949, by the St. Mary's Packing Co., from Van Wert, Ohio.

PRODUCT: 311 cases, each containing 24 1-pint, 2-fluid-ounce cans, of tomato juice at Pittsburgh, Pa.

LABEL, IN PART: "Kroger Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 3, 1950. Default decree of condemnation and destruction.

15954. Misbranding of beverage stabilizer. U. S. v. Sen Sen Extract Co., Inc., Louis J. Hirshleifer, and Marlow G. Hirshleifer. Pleas of nolo contendere. Each defendant fined \$500. (F. D. C. No. 21476. Sample No. 9148-H.)

INFORMATION FILED: September 2, 1948, Eastern District of New York, against Sen Sen Extract Co., Inc., Brooklyn, N. Y., and Louis J. Hirshleifer, president, and Marlow G. Hirshleifer, secretary-treasurer.

ALLEGED SHIPMENT: On or about September 5, 1945, from the State of New York into the State of New Jersey.

LABEL, IN PART: (Bottle cap) "H. C. P." The product was invoiced as "High C Preservative."

NATURE OF CHARGE: Misbranding, Section 403 (a), the statement "H. C. P." appearing on the bottle cap was false and misleading since it represented that the product was a preservative suitable as a component of beverages for use by man, whereas the product was not a preservative suitable as a component of beverages for use by man since it contained per 100 cubic milliliters about 13.62 grams of monochloracetic acid, which is a poisonous and deleterious substance.

DISPOSITION: February 8, 1950. Pleas of nolo contendere having been entered, the court fined each defendant \$500.

CEREALS AND CEREAL PRODUCTS BAKERY PRODUCTS

15955. Adulteration and misbranding of bread. U. S. v. F. Dell Norberg (Twin City Baking Co.). Plea of nolo contendere. Fine, \$180. (F. D. C. No. 28171. Sample Nos. 50454-K, 50484-K to 50486-K, incl., 50488-K.)

INFORMATION FILED: November 3, 1949, District of Idaho, against F. Dell Norberg, trading as the Twin City Baking Co., Lewiston, Idaho.

ALLEGED SHIPMENT: On or about May 19 and July 26, 27, and 28, 1949, from the State of Idaho into the State of Washington.

LABEL, IN PART: "Aunt Betty White Sliced Bread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (k), the product (4 of the 5 shipments) contained a chemical preservative, a salt of propionic acid, and failed to bear labeling stating that fact.

DISPOSITION: April 17, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$180.

15956. Misbranding of bread. U. S. v. Old Home Bakers. Plea of guilty. Fine, \$600. (F. D. C. No. 26351. Sample Nos. 33614-K, 33615-K.)

INFORMATION FILED: February 13, 1950, Northern District of California, against the Old Home Bakers, a corporation, Sacramento, Calif.

ALLEGED SHIPMENT: On or about July 2, 1948, from the State of California into the State of Nevada.

LABEL, IN PART: "Betsy Ross Pullman Sliced White Bread" or "Old Fashioned Betsy Ross Enriched White One half pound of this bread supplies you with at least the following amounts or percentages of your minimum daily requirement for these essential food substances: Thiamine (Vitamin B₁) 55% * * * Iron 40%."

NATURE OF CHARGE: Misbranding, Section 403 (k) (both shipments), the product contained a chemical preservative, a propionate, and it failed to bear labeling stating that fact; and, Section 403 (a) (enriched bread only), the label statement "One half pound of this bread supplies you with at least the following amounts or percentages of your minimum daily requirement for these essential food substances: Thiamine (Vitamin B₁) 55% * * * Iron 40%" was false and misleading since one-half pound of the product would provide less than 55 percent of the minimum daily requirement for vitamin B₁ and less than 40 percent of the minimum daily requirement for iron.

DISPOSITION: February 27, 1950. A plea of guilty having been entered, the court fined the defendant \$600.

15957. Adulteration of cake. U. S. v. Vic Ballowe (Shamrock Cake Co. and Southern Maid Products Co.). Plea of guilty. Fine, \$200. (F. D. C. No. 28196. Sample Nos. 54260-K, 54261-K, 60749-K, 60751-K.)

INFORMATION FILED: January 13, 1950, Western District of Texas, against Vic Ballowe, trading as the Shamrock Cake Co. and the Southern Maid Products Co., at Waco, Tex.

ALLEGED SHIPMENT: On or about September 1, 8, 9, and 10, 1949, from the State of Texas into the States of Louisiana and Tennessee.

LABEL, IN PART: "Tom's Devil's Food Finger * * * Distributed by Tom Huston Peanut Co., Columbus, Ga.," "Shamrock Cocoanut Marshmallow * * * Shamrock Cake Co.," "Our Own Mrs. Cook's Devil's Food Finger * * * Baked Expressly for Mrs. Cook's By Southern Maid Bakeries," or "Shamrock."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect larvae, rodent hair fragments, insect fragments, and insects; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 28, 1950. A plea of guilty having been entered, the court fined the defendant \$200.

15958. Misbranding of rum and brandy cakes. U. S. v. 68 Cakes, etc. (F. D. C. No. 26363. Sample Nos. 9981-K, 9982-K.)

LIBEL FILED: December 30, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about November 24, 1948, by Affiliated Bakers, Inc., from Newark, N. J.

PRODUCT: 68 1-pound cakes and 57 2-pound cakes at New York, N. Y.

LABEL, IN PART: (Celluloid package) "Pickwick Deluxe Rum & Brandy Cake."

NATURE OF CHARGE: Misbranding, Sections 403 (e) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

Further misbranding, Section 403 (a), the statement "Rum & Brandy Cake" borne on the label of the one-pound cake was false and misleading as applied to the one-pound cake, which had no odor or flavor of rum or brandy.

DISPOSITION: December 21, 1949. Default decree of condemnation. The court ordered that the Food and Drug Administration be permitted to take samples of the product in order to determine its fitness for consumption, and that if found to be fit, the product should be delivered to charitable institutions. The product was found to be fit for food and was delivered to various charitable institutions.

15959. Misbranding of Cheese Pops. U. S. v. 9 Cases * * *. (F. D. C. No. 28716. Sample No. 80883-K.)

LIBEL FILED: February 13, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 6, 1950, by Filler Products Co., Inc., from Atlanta, Ga.

PRODUCT: 9 cases, each containing 12 3½-ounce jars, of Cheese Pops at Philadelphia, Pa.

LABEL, IN PART: (Jar) "Vacuum Packed Filler's Cheese Pops A Delicious Tid-Bit Appetizer Net Wt. 3½ Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The product was short of the declared weight.)

DISPOSITION: March 8, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

CORN MEAL

15960. Adulteration of corn meal. U. S. v. John W. Eshelman & Sons. Plea of guilty. Fine, \$1,000. (F. D. C. No. 28214. Sample Nos. 47770-K, 47773-K.)

INFORMATION FILED: January 30, 1950, Southern District of Ohio, against John W. Eshelman & Sons, a corporation, Circleville, Ohio.

ALLEGED SHIPMENT: On or about September 30 and October 4, 1949, from the State of Ohio into the States of Virginia and West Virginia.

LABEL, IN PART: "Eshelman Red Rose Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments,

rodent excreta fragments, larvae, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 24, 1950. A plea of guilty having been entered, the court fined the defendant \$1,000.

15961. Adulteration of corn meal. U. S. v. Kalmbach-Burckett Co., Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 28180. Sample Nos. 53400-K 54241-K to 54246-K, incl.)

INFORMATION FILED: December 19, 1949, Western District of Louisiana, against Kalmbach-Burckett Co., Inc., Shreveport, La.

ALLEGED SHIPMENT: On or about July 12 and August 2, 1949, from the State of Louisiana into the State of Mississippi.

LABEL, IN PART: "Squirrel Bolted White Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent excreta pellet fragments, rodent hair fragments, insect larvae cast skins, and insect parts; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 20, 1950. A plea of guilty having been entered, the court fined the corporation \$500.

15962. Adulteration of corn meal. U. S. v. Richards Milling Co. Plea of guilty. Fine of \$800 and costs. (F. D. C. No. 28169. Sample Nos. 47727-K to 47730-K, incl.)

INFORMATION FILED: November 2, 1949, Northern District of Ohio, against the Richards Milling Co., a corporation, Cortland, Ohio.

ALLEGED SHIPMENT: On or about July 8 and 12, 1949, from the State of Ohio into the State of West Virginia.

LABEL, IN PART: "White Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect parts, rodent excreta, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 2, 1949. A plea of guilty having been entered, the court imposed a fine of \$800, plus costs.

15963. Adulteration of corn meal. U. S. v. 20 Cases * * *. (F. D. C. No. 28469. Sample No. 56689-K.)

LABEL FILED: December 8, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about November 15, 1949, by Elam Mills, Inc., from Chicago, Ill.

PRODUCT: 20 cases, each containing 12 2-pound bags, of corn meal at New York, N. Y.

LABEL, IN PART: (Bag) "Elam's Stone Ground Yellow Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs.

DISPOSITION: January 25, 1950. Default decree of condemnation and destruction.

FLOUR

15964. Adulteration of flour. U. S. v. Binns Milling Co., a partnership, and Raymond T. Binns. Pleas of nolo contendere. Defendants each fined \$100, plus costs. (F. D. C. No. 28197. Sample Nos. 52314-K, 52326-K.)

INFORMATION FILED: December 21, 1949, Western District of Kentucky, against the Binns Milling Co., a partnership, and Raymond T. Binns, a partner.

ALLEGED SHIPMENT: On or about August 16 and September 1, 1949, from the State of Kentucky into the State of Tennessee.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, larvae, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 17, 1950. Pleas of nolo contendere having been entered, the court fined each defendant \$100, plus costs.

15965. Adulteration of cake doughnut flour. U. S. v. Jos. T. Shuflitowski, Inc. Plea of nolo contendere. Fine, \$150. (F. D. C. No. 28190. Sample Nos. 60545-K, 60546-K.)

INFORMATION FILED: January 12, 1950, Northern District of Illinois, against Jos. T. Shuflitowski, Inc., Chicago, Ill.

ALLEGED SHIPMENT: On or about August 3 and 12, 1949, from the State of Illinois into the States of Michigan and Indiana.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of live larvae, insect webbing, insect fragments, live and dead beetles, and insect pellets; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 28, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$150.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

15966. Adulteration of unpopped popcorn. U. S. v. 68 Bags * * *. (F. D. C. No. 28446. Sample No. 52358-K.)

LIBEL FILED: December 16, 1949, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about October 5, 1949, by the Northwest Popcorn & Seed Co., from Delaware, Ohio.

PRODUCT: 68 bags, each containing 101 pounds, of unpopped popcorn at Chattanooga, Tenn.

LABEL, IN PART: "Big Boy Pop Pop Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, rodent excreta, and rodent hairs.

DISPOSITION: March 2, 1950. Default decree of condemnation and destruction. On March 13, 1950, the decree was amended to provide for delivery of the product to a charitable institution, for use as animal feed.

15967. Adulteration of unpopped popcorn. U. S. v. 34 Cases, etc. (F. D. C. No. 28346. Sample Nos. 42609-K, 42610-K.)

LIBEL FILED: December 6, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 18, 1949, by the Indiana Pop Corn Co., from Muncie, Ind.

PRODUCT: 68 cases, each containing 24 10-ounce cans, of unpopped popcorn at Chicago, Ill.

LABEL, IN PART: "Pop-Ity-Pop Popcorn" or "Hoosier Pride White Hullless Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 18, 1950. Default decree of condemnation and destruction.

15968. Adulteration of prepared doughnut mix. U. S. v. Dawn Donut Co., Inc., and Wayne J. Watkins. Pleas of guilty. Corporation fined \$2,500; individual defendant fined \$500 and placed on 2 years' probation. (F. D. C. No. 28212. Sample Nos. 62510-K to 62512-K, incl., 62514-K, 62520-K.)

INFORMATION FILED: February 23, 1950, Eastern District of Michigan, against the Dawn Donut Co., Inc., Jackson, Mich., and Wayne J. Watkins, president of the corporation.

ALLEGED SHIPMENT: On or about April 28 and June 28, 1949, from the State of Michigan into the State of Massachusetts.

LABEL, IN PART: "Prepared Donut Mixture," "Dawn Stick M Donut Mixture," "Duchess Donut Mixture," or "Princess All Prepared Donut Mixture."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, larvae, and rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 14, 1950. Pleas of guilty having been entered, the court fined the corporation \$2,500 and the individual \$500. The individual was placed on probation for two years.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 15969 to 15971, and that was below the legal standard for milk fat content, No. 15972.

15969. Adulteration of butter. U. S. v. The Cudahy Packing Co. Plea of guilty. Fine of \$1,000 and costs. (F. D. C. No. 28194. Sample No. 62672-K.)

INFORMATION FILED: January 4, 1950, Southern District of Iowa, against The Cudahy Packing Co., a corporation, trading at Winfield, Iowa.

ALLEGED SHIPMENT: On or about September 17, 1949, from the State of Iowa into the State of Rhode Island.

LABEL, IN PART: "Daisy Maid Brand Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, fly eggs, setae, moth scales, mites, feather barbules, and rodent hair fragments.

DISPOSITION: April 18, 1950. A plea of guilty having been entered, the defendant was fined \$1,000, plus costs.

15970. Adulteration of butter. U. S. v. Beatrice Foods Co. Plea of nolo contendere. Fine of \$500 and costs. (F. D. C. No. 28215. Sample Nos. 61592-K, 61593-K.)

INFORMATION FILED: January 31, 1950, Southern District of Iowa, against the Beatrice Foods Co., a corporation, Fort Madison, Iowa.

ALLEGED SHIPMENT: On or about September 28, 1949, from the State of Iowa into the State of Missouri.

LABEL, IN PART: "Valley Farm Brand Butter * * * Distributed by Blue Valley Creamery General Offices Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of fragments of ant, cockroach, and other insects, manure fragments, setae, mites, feather fragments, and rodent hair fragments.

DISPOSITION: April 4, 1950. A plea of nolo contendere having been entered, the defendant was fined \$500, plus costs.

15971. Adulteration of butter. U. S. v. 50 Cases * * *. (F. D. C. No. 28076. Sample No. 1872-K.)

LIBEL FILED: On or about September 14, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about July 16, 1949, by the Sugar Creek Creamery Co., from Louisville, Ky.

PRODUCT: 50 cases, each containing 64 pounds, of butter at Miami, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its having been manufactured from decomposed and moldy cream.

DISPOSITION: March 16 and 20, 1950. The sole intervenor having consented to the entry of a decree, judgment of forfeiture was entered and the court ordered that the product be sold to the highest bidder on the condition that it be denatured in the presence of the U. S. marshal.

15972. Adulteration of butter. U. S. v. 13 Cases * * *. (F. D. C. No. 27654. Sample No. 55545-K.)

LIBEL FILED: On or about June 16, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 3, 1949, by the Burlington Creamery Co., Burlington, Kans.

PRODUCT: 13 63-pound cases of butter at Kansas City, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 24, 1949. The shipper appeared as claimant and admitted the allegations of the libel, and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

CHEESE

15973. Adulteration of Cheddar cheese. U. S. v. Emil Stricker (Gallatin Valley Cheese Co.). Plea of guilty. Fine, \$100. (F. D. C. No. 24096. Sample No. 82443-H.)

INFORMATION FILED: February 17, 1948, District of Montana, against Emil Stricker, trading as the Gallatin Valley Cheese Co., Belgrade, Mont.

ALLEGED SHIPMENT: On or about June 19, 1947, from the State of Montana into the State of Washington.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing more than 39 percent of moisture had been substituted for Cheddar cheese, a product which should contain not more than 39 percent of moisture, as provided by the definition and standard of identity.

DISPOSITION: January 9, 1950. A plea of guilty having been entered, the court fined the defendant \$100.

15974. Adulteration of creamed cottage cheese and ice cream mix. U. S. v. Waterloo Milk Co., Inc. Plea of nolo contendere. Fine, \$450. (F. D. C. No. 26354. Sample Nos. 45728-K, 45729-K, 45732-K.)

INFORMATION FILED: March 18, 1949, Eastern District of Illinois, against Waterloo Milk Co., Inc., Waterloo, Ill.

ALLEGED SHIPMENT: On or about August 17 and 18, 1948, from the State of Illinois into the State of Missouri.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of (in the creamed cottage cheese) cow hairs and manure fragments and (in the ice cream mix) insects, insect fragments, and manure fragments.

DISPOSITION: March 7, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$450.

FISH AND SHELLFISH

15975. Adulteration and misbranding of frozen flounder fillets. U. S. v. Atlantic Fish & Oyster Co. Plea of guilty. Fine of \$500, plus costs. (F. D. C. No. 28170. Sample Nos. 60405-K, 60406-K.)

INFORMATION FILED: November 16, 1949, Northern District of Illinois, against the Atlantic Fish & Oyster Co., a corporation, Chicago, Ill.

ALLEGED SHIPMENT: On or about May 2, 1949, from the State of Illinois into the State of Michigan.

LABEL, IN PART: "Flounder Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), frozen pollock fillets were substituted for frozen flounder fillets, which the product was represented to be.

Misbranding, Section 403 (a), the label statement "Flounder Fillets" was false and misleading.

DISPOSITION: March 28, 1950. A plea of guilty having been entered, the court fined the defendant \$500, plus costs.

15976. Adulteration of fresh tullibees. U. S. v. 20 Boxes * * *. (F. D. C. No. 28703. Sample No. 56799-K.)

LIBEL FILED: February 1, 1950, District of New Jersey.

ALLEGED SHIPMENT: On or about January 30, 1950, by Union Fisheries, Inc., from New York, N. Y.

PRODUCT: 20 60-pound boxes of fresh tullibees at Paterson, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: March 14, 1950. Default decree of condemnation and destruction.

15977. Adulteration of canned rock lobster. U. S. v. 42 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 25914, 25933, 25942, 26227. Sample Nos. 16897-K, 34017-K, 34019-K, 34020-K, 34023-K.)

LIBELS FILED: November 9 and 19 and December 20, 1948, Northern District of California and Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about June 15, August 26, and September 24, 1948, by Catz American Co., Inc., from New York, N. Y.

PRODUCT: Rock lobster. 200 cases at San Francisco, Calif., and 4 cases at Milwaukee, Wis. Each case contained 48 6-ounce cans.

LABEL, IN PART: "Deep Blue Rock Lobster."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed lobster meat.

DISPOSITION: On January 25, 1949, no claimant having appeared for the Milwaukee lot, judgment was entered condemning the product and ordering it destroyed.

On January 14, 1949, Catz American Co., Inc., having appeared as claimant for the San Francisco lots, judgments of condemnation were entered and the court ordered that the product be released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. On January 16, 1950, the court entered an order extending the time for compliance with the decree to an additional three months. Reconditioning operations were unsuccessful, and the product was destroyed on April 24, 1950.

15978. Adulteration of canned oysters. U. S. v. 24 Cases * * *. (F. D. C. No. 28477. Sample No. 63832-K.)

LIBEL FILED: December 28, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about November 3, 1949, by Southland Canning & Packing Co., Inc., from New Orleans, La.

PRODUCT: 24 cases, each containing 48 4 $\frac{2}{3}$ -ounce cans, of oysters at Jacksonville, Fla.

LABEL, IN PART: (Can) "Gulf Belle Brand Cove Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed oysters.

DISPOSITION: February 3, 1950. Default decree of condemnation and destruction.

15979. Adulteration of canned shrimp. U. S. v. 5½ Cases * * *. (F. D. C. No. 28676. Sample Nos. 53957-K, 63266-K.)

LIBEL FILED: January 5, 1950, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 18, 1949, by the R. G. Lafaye Co., from New Orleans, La.

PRODUCT: 5½ cases, each containing 48 cans, of shrimp at Boston, Mass.

LABEL, IN PART: (Can) "Tri-Mor Brand Drained Weight 5 Ozs. Wet Pack Medium Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed the presence of decomposed shrimp.)

DISPOSITION: February 27, 1950. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES*

CANNED FRUIT

15980. Adulteration of canned black raspberries. U. S. v. 39 Cases * * *. (F. D. C. No. 28620. Sample No. 72083-K.)

LIBEL FILED: January 10, 1950, Southern District of Indiana.

ALLEGED SHIPMENT: On or about July 6, 1949, by the Dwan's Home Canning Co., from St. Joseph, Mich.

PRODUCT: 39 cases, each containing 24 15-ounce cans, of black raspberries at Indianapolis, Ind.

LABEL, IN PART: (Can) "Dwan's Black Raspberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 12, 1950. Default decree of condemnation and destruction.

DRIED FRUIT

15981. Adulteration of raisins. U. S. v. 15 Cases * * *. (F. D. C. No. 28805. Sample No. 64744-K.)

LIBEL FILED: January 23, 1950, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about December 2, 1949, by the Edwards Packing Co., from Minneapolis, Minn.

PRODUCT: 15 cases, each containing 20 15-ounce packages, of raisins at Eau Claire, Wis.

LABEL, IN PART: "Muscat Cluster Sun-Rich Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect webbing.

DISPOSITION: March 14, 1950. Default decree of forfeiture. The court ordered that the product be disposed of for purposes other than for human consumption or that it be destroyed.

*See also No. 15951.

VEGETABLES AND VEGETABLE PRODUCTS

15982. Adulteration of canned asparagus. U. S. v. 792 Cans * * *. (F. D. C. No. 27830. Sample No. 13674-K.)

LIBEL FILED: September 8, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 20, 1949, by Salter Canning Co., Inc., from North Rose, N. Y.

PRODUCT: 792 cans, each containing 6 pounds, 7 ounces, of asparagus at Philadelphia, Pa.

LABEL, IN PART: (Can) "Parke's Brand Canned Fancy Large-Medium Tender Green Asparagus Spears."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect eggs and insect-damaged spears.

DISPOSITION: March 7, 1950. Salter Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration. The attempt at salvaging the product was unsuccessful, and the entire lot was destroyed.

15983. Adulteration of celery. U. S. v. 334 Crates * * *. (F. D. C. No. 28777. Sample No. 49670-K.)

LIBEL FILED: January 16, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about January 7, 1950, by John C. Maurer & Sons, from Stockton, Calif.

PRODUCT: 334 crates of celery at Denver, Colo.

LABEL, IN PART: "Maurer's Nonpareil California Celery Red Lion King of them all."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softening, due to freezing.

DISPOSITION: March 6, 1950. Default decree of condemnation. The court ordered that the product be sold, conditioned that the purchaser bring the celery into compliance with the law, under the supervision of the Food and Drug Administration. The unfit outer stalks were trimmed off, and the good portion was sold for human consumption.

15984. Misbranding of canned mushrooms. U. S. v. 181 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 27592 to 27594, incl. Sample Nos. 34300-K, 34302-K, 34304-K.)

LIBELS FILED: July 21, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about May 16 and 28, 1949, by West Foods, from Salem, Oreg.

PRODUCT: 335 cases, each containing 24 cans, of mushrooms at San Francisco, Calif.

LABEL, IN PART: (Can) "Shady Oak Stems and Pieces Mushrooms Net Drained Weight 4 Oz. [or "2 Oz."] Avoir."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article failed to bear an accurate statement of the quantity of the contents. (The article in each size can was short of the declared weight.)

DISPOSITION: December 8, 1949. West Foods, claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The seized product was repacked in cans averaging 2.55 ounces drained weight, and the cans were labeled, in part, "Net Drained weight 2 Oz. Avoir."

15985. Adulteration of potato chips. U. S. v. George Bernard Ostermueller (Quincy Potato Chip Co.). Plea of guilty. Fine, \$200. (F. D. C. No. 28221. Sample Nos. 61619-K, 61620-K.)

INFORMATION FILED: February 20, 1950, Southern District of Illinois, against George Bernard Ostermueller, trading as the Quincy Potato Chip Co., Quincy, Ill.

ALLEGED SHIPMENT: On or about October 31 and November 3, 1949, from the State of Illinois into the State of Missouri.

LABEL, IN PART: "Quincy Maid Potato Chips."

NATURE OF CHARGE: Adulteration, Section, 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 10, 1950. A plea of guilty having been entered, the court fined the defendant \$200.

15986. Adulteration of soybean products. U. S. v. Rural Educational Association (Madison Foods), a corporation, and George E. Norris. Pleas of nolo contendere. Corporation fined \$70; individual defendant fined \$35. (F. D. C. No. 24791. Sample Nos. 8744-K to 8749-K, incl., 15303-K.)

INFORMATION FILED: July 2, 1948, Middle District of Tennessee, against the Rural Educational Association, a corporation, trading as Madison Foods, Madison College, Tenn., and George E. Norris, plant manager.

ALLEGED SHIPMENT: Between the approximate dates of September 2 and 10, 1947, from the State of Tennessee into the States of New York and Illinois.

LABEL, IN PART: "Yum," "Stake-Lets," "Zoyburger," "Vigorost," "Soy Cheese," or "Not-Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of larvae, insect fragments, rodent hair fragments, and a human hair fragment; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 22, 1949. Pleas of nolo contendere having been entered, the corporation was fined \$70 and the individual defendant \$35.

TOMATOES AND TOMATO PRODUCTS*

15987. Adulteration and misbranding of canned tomatoes. U. S. v. Brady Tomatoes, Inc. Pleas of guilty. Fine, \$250. (F. D. C. No. 28116. Sample Nos. 41817-K, 41828-K, 41835-K, 41842-K.)

INFORMATION FILED: January 30, 1950, Southern District of Indiana, against Brady Tomatoes, Inc., Martinsville, Ind.

* See also Nos. 15952, 15953.

ALLEGED SHIPMENT: On or about October 7, 1948, and February 10 and 22 and March 22, 1949, from the State of Indiana into the State of Illinois.

LABEL, IN PART: "Richelieu Tomatoes Distributed by Sprague, Warner & Company Chicago, Ill. U. S. A." or "Tegar Brand Red Ripe Tomatoes Packed For Tebbetts and Garland Co. Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (g) (2), (three shipments) the label of the product failed to bear the name of the optional ingredient present since the product contained a calcium salt, and its label failed to bear as required by the regulations a statement of the presence of calcium salt.

DISPOSITION: March 3, 1950. A plea of guilty having been entered, the court fined the defendant \$250.

15988. Adulteration of canned tomatoes. U. S. v. Indiana Mushroom Corp.

Plea of guilty. Fine, \$100. (F. D. C. No. 28216. Sample Nos. 60421-K, 60837-K.)

INFORMATION FILED: March 20, 1950, Southern District of Indiana, against the Indiana Mushroom Corp., West Terre Haute, Ind.

ALLEGED SHIPMENT: On or about March 3 and May 24, 1949, from the State of Indiana into the States of Wisconsin and Illinois.

LABEL, IN PART: "CO-OP Tomatoes * * *. Packed for National Co-Operatives Inc. Chicago Illinois" or "White Fairy Tomatoes * * * Distributed By Michigan Mushroom Co. Niles, Michigan."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 3, 1950. A plea of guilty having been entered, the court fined the defendant \$100.

15989. Adulteration of tomato puree. U. S. v. 148 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 27925, 27926, 28367. Sample Nos. 54268-K, 54271-K, 54294-K.)

LIBELS FILED: On October 18 and 25 and November 25, 1949, Western District of Louisiana.

ALLEGED SHIPMENT: On or about July 23, 1949, by the Schmidt Canning Co., San Benito, Tex.

PRODUCT: Tomato puree. 148 cases at Alexandria, La., and 56 cases at Colfax, La. Each case contained 100 4 $\frac{3}{4}$ -ounce cans.

LABEL, IN PART: "S&S Brand Texas * * * Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: January 24 and February 14, 1950. Default decrees of condemnation and destruction.

15990. Adulteration of frozen tomato puree with tomato pulp. U. S. v. 2,024 Cases * * *. (F. D. C. No. 24762. Sample No. 12514-K.)

LIBEL FILED: May 6, 1948, District of New Jersey.

ALLEGED SHIPMENT: On or about August 7, 1947, by Flint Frozen Food, Inc., from Salem, Oreg.

PRODUCT: 2,024 25-pound cases of frozen tomato puree with tomato pulp at Trenton, N. J.

LABEL, IN PART: (Case) "Tomato Puree Tomato Pulp * * * Packed by United Growers Inc., Salem, Oregon."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its disagreeable taste, rendering it unpalatable.

DISPOSITION: April 17, 1950. Flint Frozen Food, Inc., having appeared as claimant but subsequently having withdrawn its claim, judgment of condemnation was entered and the court ordered the product destroyed.

MEAT AND POULTRY

15991. Adulteration of rabbits. U. S. v. 32 Barrels * * * (and 1 other seizure action). (F. D. C. Nos. 28652, 28663. Sample Nos. 54464-K to 54466-K, incl.)

LIBELS FILED: January 12 and 13, 1950, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about January 7, 9, and 10, 1950, by the Ozark Rabbit Co., from Springfield, Mo.

PRODUCT: 78 barrels of rabbits at New Orleans, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance. (Examination showed that the product contained decomposed rabbits and that it was contaminated with fecal matter.)

DISPOSITION: February 4 and 14, 1950. Default decrees of condemnation and destruction.

15992. Adulteration of poultry. U. S. v. 15 Barrels * * *. (F. D. C. No. 28324. Sample No. 42068-K.)

LIBEL FILED: October 21, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 28, 1949, by the Western Market Egg Co., from Detroit, Mich.

PRODUCT: 15 barrels of poultry at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance, and it was otherwise unfit for food by reason of the presence of decomposed and otherwise unfit birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: April 12, 1950. Default decree of condemnation and destruction.

15993. Adulteration of dressed poultry. U. S. v. 12,241 Pounds, etc. (F. D. C. No. 28570. Sample Nos. 70118-K, 70119-K.)

LIBEL FILED: December 15, 1949, Southern District of Iowa.

ALLEGED SHIPMENT: On or about November 29, 1949, by the Blue Diamond Products Co., from Wahoo, Nebr.

PRODUCT: 17,952 pounds of dressed poultry in 434 boxes at Council Bluffs, Iowa.

LABEL, IN PART: "Fancy Better Fed Blue Diamond 12 Pieces [or "Red Diamond 12 Head"] Fowl Packed By Blue Star Produce Inc. Gen. Off. Co. Bluffs, Ia."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and poultry manure; and, Section 402 (a)-(4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 3, 1950. Blue Star Foods, Inc., Council Bluffs, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning under the supervision of the Federal Security Agency. The product was reconditioned by washing and cleaning.

15994. Adulteration of turkeys. U. S. v. 2,034 Pounds * * *. (F. D. C. No. 28480. Sample No. 8656-K.)

LIBEL FILED: December 28, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about November 7, 1949, by the Wisconsin Turkey Marketing Coop., from Barron, Wis.

PRODUCT: 2,034 pounds of chilled turkeys in 12 boxes at New York, N. Y. Examination showed the presence of diseased turkeys.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: January 12, 1950. Default decree of condemnation and destruction.

NUTS AND NUT PRODUCTS

15995. Adulteration of brazil nuts. U. S. v. 313 Bags * * *. (F. D. C. No. 28669. Sample No. 56698-K.)

LIBEL FILED: On or about January 9, 1950, Southern District of New York.

ALLEGED SHIPMENT: The product was imported from Brazil.

PRODUCT: 313 bags, each containing 100-pounds of brazil nuts at New York, N. Y.

LABEL, IN PART: "Holly New Crop Large Washed Brazil Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and otherwise decomposed brazil nuts.

DISPOSITION: January 20, 1950. William A. Higgins & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit from the unfit portion and destruction of the latter, under the supervision of the Food and Drug Administration. Segregation operations resulted in the salvage of 29,896 pounds.

15996. Adulteration of peanuts. U. S. v. 320 Bags * * *. (F. D. C. No. 27970. Sample Nos. 34670-K, 34671-K.)

LIBEL FILED: November 4, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about July 7, 1949, from Ahoskie, N. C.

PRODUCT: 320 bags, each containing 100 pounds, of peanuts at Fresno, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 8, 1949. David der Hairbedian, trading as David & Sons, of Fresno, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

On January 9 and March 6, 1950, orders were entered extending the time for completion of the reconditioning operations. As a result of these operations, during which the good nuts were separated from the bad, 17,300 pounds of nuts that were fit for human consumption were salvaged, and the remainder of the seized goods, 13,900 pounds, was denatured.

15997. Adulteration of pecans. U. S. v. 55 Bags * * * (and 3 other seizure actions). (F. D. C. Nos. 28381, 28382, 28384, 28433. Sample Nos. 50396-K, 50397-K, 51071-K, 64616-K.)

LIBELS FILED: November 28 and 29 and December 9, 1949, Western District of Washington, District of Oregon, and District of Minnesota.

ALLEGED SHIPMENT: On or about September 15 and October 3, 1949, by the Consolidated Pecan Sales Co., from Albany, Ga.

PRODUCT: Pecans. 205 50-pound bags at Seattle, Wash., 100 100-pound bags at Portland, Oreg., and 187 cases, each containing 25 1-pound bags, at Minneapolis, Minn.

LABEL, IN PART: "King Cole * * * Papershell Pecans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and otherwise decomposed pecans.

DISPOSITION: December 23, 1949, and January 10 and 31, 1950. The Consolidated Pecan Sales Co. appeared as claimant in all cases, and the Seattle cases were consolidated. The claimant having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration. Salvaging operations resulted in the segregation and destruction of approximately 12.5% of the seized nuts.

15998. Adulteration of walnuts. U. S. v. 12 Cases, etc. (F. D. C. No. 28282. Sample Nos. 56681-K, 56682-K.)

LIBEL FILED: November 18, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about December 14, 1948, by Niayesh & Co., from Iran.

PRODUCT: Walnuts. 12 55-pound cases and 9 33-pound cases at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nuts.

DISPOSITION: February 3, 1950. The Fulton Trading & Commission Co., New York, N. Y., agent for the Isthmian Steamship Co., claimant, having con-

sented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for salvaging of the fit portion, under the supervision of the Food and Drug Administration. Segregation operations resulted in the destruction of 30 pounds of the product.

15999. Adulteration of mixed nuts. U. S. v. 600 Cases * * *. (F. D. C. No. 28377. Sample No. 13996-K.)

LIBEL FILED: November 23, 1949, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 31, 1949, by The Great A & P Tea Co., from New York, N. Y.

PRODUCT: 600 cases, each containing 25 1-pound bags, of mixed nuts at Scranton, Pa.

LABEL, IN PART: "Sun-Glo Extra Fancy Mixed Nuts * * * Packed By Wm. A. Higgins & Co., Inc., New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy and otherwise decomposed brazil nuts.

DISPOSITION: December 29, 1949. Wm. A. Higgins & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. The segregation operations were completed on or about April 13, 1950, and resulted in the destruction of 300 pounds of the 1,725 pounds of brazil nuts which were included in the 6,075 pounds of mixed nuts which were seized.

16000. Adulteration of desiccated coconut. U. S. v. 10 Bags * * *. (F. D. C. No. 27888. Sample No. 60553-K.)

LIBEL FILED: October 5, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 27, 1949, from Milwaukee, Wis.

PRODUCT: 10 80-pound bags of desiccated coconut at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 18, 1950. Default decree of condemnation and destruction.

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		tomato juice-----	15952



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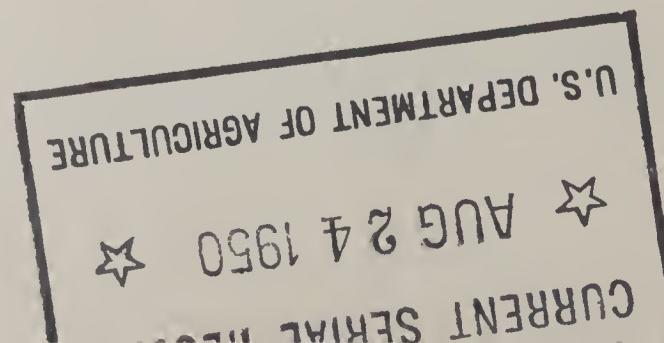
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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

16001-16050

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *July 13, 1950.*

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BEVERAGES AND BEVERAGE MATERIALS

16001. Adulteration of canned cherry juice. U. S. v. 249 Cases, etc. (F. D. C. No. 28598. Sample No. 41947-K.)

LIBELS FILED: On January 12 and February 16, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 2, 1949, by Northport Cherry Factory, Inc., from Northport, Mich.

PRODUCT; 335½ cases, each containing 24 12-ounce cans, of cherry juice at Chicago, Ill.

LABEL, IN PART: "Cellu Juices * * * Red Cherry Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance since it was prepared from rotten cherries.

DISPOSITION: March 2 and April 12, 1950. Default decrees of condemnation and destruction.

16002. Adulteration of tomato juice. U. S. v. 409 Cases, etc. (F. D. C. No. 28658. Sample Nos. 42615-K, 42616-K.)

LIBEL FILED: January 20, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 8 and 11, 1949, by Dwan's Home Canning Co., St. Joseph, Mich.

PRODUCT: Tomato juice. 409 cases, each containing 24 1-pint, 2-fluid-ounce cans, and 460 cases, each containing 12 1-quart, 14-fluid-ounce cans, at Chicago, Ill.

LABEL, IN PART: "Hawthorn Brand Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 12, 1950. Default decree of condemnation and destruction.

16003. Adulteration of tomato juice. U. S. v. 447 Cases * * *. (F. D. C. No. 28792. Sample No. 72162-K.)

LIBEL FILED: January 23, 1950, Northern District of Ohio.

ALLEGED SHIPMENT: On or about January 1 and 3, 1949, by the Grant County State Bank, from Swayzee, Ind.

PRODUCT: 447 cases, each containing 6 3-quart cans, of tomato juice at Cleveland, Ohio.

LABEL, IN PART: "Tru-Flavor Contents 3 Quarts Tomato Juice Packed By Swayzee Canning Co., Inc. Swayzee, Ind."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 17, 1950. Default decree of condemnation and destruction.

16004. Adulteration of coffee sweepings. U. S. v. 1,100 Pounds, etc. (F. D. C. No. 28712. Sample Nos. 57165-K, 57166-K.)

LIBEL FILED: February 7, 1950, District of New Jersey.

ALLEGED SHIPMENT: The product was imported from various foreign countries.

PRODUCT: 2,100 pounds of coffee sweepings at Hoboken, N. J.

LABEL, IN PART: (Bag) "Green Coffee Sweepings for Export Use Only"; (tag) "Warehouse Sweepings Hold for Export Use Only."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was filthy and unfit for food by reason of the presence of dirt, wood splinters, matted fibers, and other extraneous material. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 10, 1950. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

CORN MEAL

16005. Adulteration of corn meal. U. S. v. Murphy Grain & Milling Co., a partnership, and Francis X. Murphy, Sr. Pleas of nolo contendere. Partnership fined \$800; individual defendant fined \$200. (F. D. C. No. 26773. Sample Nos. 19540-K, 19544-K, 44091-K.)

INFORMATION FILED: April 26, 1949, Western District of Kentucky, against the Murphy Grain & Milling Co., Owensboro, Ky., and Francis X. Murphy, Sr., a partner.

ALLEGED SHIPMENT: On or about July 16 and 20 and August 26, 1948, from the State of Kentucky into the States of Tennessee and Indiana.

LABEL, IN PART: (Portion) "Riverside Mills Indian Head White Bolted Corn Meal Murphy Grain & Milling Co." or "Louis Hartman & Sons Distributors * * * Magnolia Corn Meal New Albany, Ind."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent excreta fragments, rodent hair fragments, larvae, and insect fragments; and (portion), Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 27, 1950. Pleas of nolo contendere having been entered, the court fined the partnership \$800 and the individual defendant \$200.

16006. Adulteration of corn meal. U. S. v. The Herrman-McLean Co., a corporation, and Walter C. Seaman. Plea of guilty by corporation and plea of nolo contendere by individual defendant. Defendants each fined \$100 on each count. Sentence suspended on all but 1 count. (F. D. C. No. 28759. Sample Nos. 47761-K, 47768-K, 47771-K, 52062-K.)

INFORMATION FILED: March 1, 1950, Northern District of Ohio, against The Herrman-McLean Co., Monroeville, Ohio, and Walter C. Seaman, plant manager.

ALLEGED SHIPMENT: On or about September 19, 20, 29, and 30, 1949, from the State of Ohio into the State of West Virginia.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent excreta fragments, larvae, insect fragments, beetles, cat hair fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 9, 1950. A plea of guilty was entered on behalf of the corporation, and a plea of nolo contendere was entered on behalf of the individ-

ual defendant. The court fined both defendants \$100 on each of the 4 counts of the information, and sentence against the defendants was suspended on all but one count.

16007. Adulteration of corn meal. U. S. v. J. William Cain and Elmer P. Reed.
Pleas of guilty. Each defendant fined \$100. (F. D. C. No. 28111.
Sample Nos. 61207-K to 61209-K, incl.)

INFORMATION FILED: February 16, 1950, Eastern District of Missouri, against J. William Cain and Elmer P. Reed.

ALLEGED SHIPMENT: On or about July 8 and 11, 1949, from the State of Missouri into the State of Arkansas.

LABEL, IN PART: "Knobel's Dandy * * * Bolted Corn Meal Knobel Milling Co. Corning, Ark." or "Campbell Milling Company Campbell, Mo. Veri-Fine Bolted White Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect parts, insect excreta, rodent excreta pellet fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 10, 1950. Pleas of guilty having been entered, the court fined each defendant \$100.

FLOUR

16008. Adulteration of flour. U. S. v. The Wall-Rogalsky Milling Co. and Ernest A. Wall. Pleas of guilty. Each defendant fined \$300 and costs.
(F. D. C. No. 28763. Sample Nos. 52834-K, 54340-K, 54341-K.)

INFORMATION FILED: March 3, 1950, District of Kansas, against The Wall-Rogalsky Milling Co., a corporation, McPherson, Kans., and Ernest A. Wall, president.

ALLEGED SHIPMENT: On or about September 22 and 23, 1949, from the State of Kansas into the States of Ohio and Louisiana.

LABEL, IN PART: "Special Bakers Patent [or "Kansas Sun Bakers" or "Kansas Sun"] Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 21, 1950. Pleas of guilty having been entered, the court fined each defendant \$300 and costs.

16009. Adulteration of rye flour and white flour. U. S. v. 18 Bags, etc. (F. D. C. No. 28648. Sample Nos. 49890-K, 49891-K.)

LABEL FILED: January 12, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about October 25 and 29, 1949, from Minneapolis, Minn.

PRODUCT: 18 100-pound bags of rye flour and 57 100-pound bags of white flour at Denver, Colo., in possession of the Knoebel Mercantile Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 25, 1950. Default decree of condemnation. The court ordered that the products be denatured and sold for use as animal feed, under the supervision of the Food and Drug Administration.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

16010. Adulteration of unpopped popcorn. U. S. v. 60 Bags * * *. (F. D. C. No. 28597. Sample No. 68351-K.)

LIBLE FILED: December 27, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about January 7, 1949, from Kansas City, Mo.

PRODUCT: 60 100-pound bags of unpopped popcorn at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect-damaged kernels. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 13, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

16011. Adulteration of rice. U. S. v. 35 Bags * * *. (F. D. C. No. 28678. Sample No. 10083-K.)

LIBLE FILED: January 11, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about April 30, 1949, from Houston, Tex.

PRODUCT: 35 100-pound bags of rice at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 10, 1950. Chum's, Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, by brushing, blowing, and cleaning, under the supervision of the Food and Drug Administration. Salvaging operations resulted in the release of 3,252 pounds of rice fit for human consumption; the remainder was denatured and destroyed.

CONFECTIONERY

CANDY

16012. Adulteration of candy. U. S. v. Marie Di Giorgio (Di Giorgio Allegretto Co.), and Joseph Di Giorgio. Pleas of nolo contendere. Marie Di Giorgio fined \$10 and Joseph Di Giorgio fined \$100. (F. D. C. No. 27538. Sample Nos. 12584-K, 19374-K, 19854-K, 41617-K, 51727-K, 58699-K.)

INFORMATION FILED: November 23, 1949, Northern District of Illinois, against Marie Di Giorgio, trading as the Di Giorgio Allegretto Co., Chicago, Ill., and Joseph Di Giorgio, plant manager.

ALLEGED SHIPMENT: On or about March 17, 21, 22, and 31, 1949, from the State of Illinois into the States of Pennsylvania, Ohio, Tennessee, Wisconsin, and Indiana.

LABEL, IN PART: (Boxes or chests of candy) "Allegretto Chocolate Covered Cherries [or "Easter Greetings" or "Fruit and Nut Egg"]" or "Di Giorgio Allegretto."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 19, 1950. Pleas of nolo contendere having been entered, the court fined Marie Di Giorgio \$10 and Joseph Di Giorgio \$100.

16013. Adulteration of candy. U. S. v. Dixie Candy Co. and Charles Smith.
Pleas of nolo contendere. Each defendant fined \$200. (F. D. C. No. 28764. Sample Nos. 61067-K to 61069-K, incl., 61826-K, 63867-K.)

INFORMATION FILED: March 7, 1950, Western District of Tennessee, against the Dixie Candy Co., a partnership, Jackson, Tenn., and Charles Smith, a partner and plant manager.

ALLEGED SHIPMENT: On or about October 12, 17, 25, and 31, and November 3, 1949, from the State of Tennessee into the States of Missouri, Mississippi, and South Carolina.

LABEL, IN PART: "Dixie Peanut Fudge," "Dixie Fudge Bar," "Dixie Ball," "Dixie Cocoanut Roll," "Dixie Peco Bar," "Dixie's Cocoanut Bon Bon," "Dixie Peanut Roll," "Colonial Peanut Bar," or "Tri-Color Bar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments, larval head capsules, insects, and thrips; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 28, 1950. Pleas of nolo contendere having been entered, the court fined each defendant \$200.

16014. Adulteration of candy. U. S. v. The Southwestern Candy Co., a partnership, and Joseph P. Mims. Pleas of nolo contendere. Partnership fined \$350; individual defendant fined \$150. (F. D. C. No. 28761. Sample No. 61360-K.)

INFORMATION FILED: February 24, 1950, Western District of Tennessee, against The Southwestern Candy Co., Jackson, Tenn., and Joseph P. Mims, partner and general plant supervisor.

ALLEGED SHIPMENT: On or about October 24, 1949, from the State of Tennessee into the State of Missouri.

LABEL, IN PART: "Sno Ball."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 28, 1950. Pleas of nolo contendere having been entered, the court fined the partnership \$350 and the individual defendant \$150.

16015. Adulteration of candy. U. S. v. 19 Boxes, etc. (F. D. C. No. 28622. Sample Nos. 32147-K, 32152-K, 32153-K.)

LABEL FILED: January 3, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about December 1, 1949, by the Frederick & Nelson Candy Factory, from Seattle, Wash.

PRODUCT: Candy. 19 7-ounce boxes, 19 8-ounce boxes, 53 1-pound boxes, and 33 2-pound boxes at Oakland, Calif.

LABEL, IN PART: (Portions) "Miniature Mints" or "Jamacas Rum Frango."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 11, 1950. Default decree of condemnation and destruction.

16016. Adulteration of candy. U. S. v. 57 Boxes * * *. (F. D. C. No. 28662. Sample No. 68808-K.)

LIBEL FILED: January 23, 1950; Western District of Washington.

ALLEGED SHIPMENT: On or about November 28, 1949, by the Haslett Warehouse Co., from San Francisco, Calif.

PRODUCT: 57 boxes, each containing 120 sticks, of candy at Seattle, Wash.

LABEL, IN PART: "Garlon's Sugar Stick Candy Mfg. by Garlon Nelson, Texarkana, U. S. A."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 13, 1950. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

16017. Adulteration of butter. U. S. v. Gerald A. Roth (Breda Creamery). Plea of guilty. Fine of \$300 and costs. (F. D. C. No. 28772. Sample Nos. 11410-K, 11993-K.)

INFORMATION FILED: March 29, 1950, Northern District of Iowa, against Gerald A. Roth, trading as the Breda Creamery, Breda, Iowa.

ALLEGED SHIPMENT: On or about November 20, 1948, and September 26, 1949, from the State of Iowa into the State of New York.

LABEL, IN PART: "Butter Distributed By Ritter & Sussman Newark, N. J."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, mites, rodent hair fragments, manure fragments, feather barbules, and sediment consisting chiefly of wood fragments, plant matter, dirt, and sand; and, Section 402 (a) (4), (1 shipment) it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 29, 1950. A plea of guilty having been entered, the court fined the defendant \$300, together with costs.

16018. Adulteration of butter. U. S. v. Dearmin & Co., Inc. Plea of guilty. Fine, \$250. (F. D. C. No. 28762. Sample Nos. 51700-K, 62797-K.)

INFORMATION FILED: March 1, 1950, Southern District of Indiana, against Dearmin & Co., Inc., Odon, Ind.

ALLEGED SHIPMENT: On or about August 12 and 26, 1949, from the State of Indiana into the States of Kentucky and Massachusetts.

LABEL, IN PART: (Wrapper) "Dearco [or "Arco"] Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of ants, insect fragments, rodent hairs, feather barbules, maggots, and fly eggs, and it consisted in part of a decomposed substance since the product was made from decomposed cream, as evidenced by a high mold mycelia count; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 24, 1950. A plea of guilty having been entered, the court fined the defendant \$250.

MISCELLANEOUS DAIRY PRODUCTS

16019. Adulteration and misbranding of oleomargarine. U. S. v. John F. Jelke Co. Motion denied to abate information. Plea of guilty. Fine of \$400 and costs. (F. D. C. No. 27480. Sample No. 25299-K.)

INFORMATION FILED: July 13, 1949, Northern District of Illinois, against the John F. Jelke Co., a corporation, Chicago, Ill.

ALLEGED SHIPMENT: On or about December 13, 1948, from the State of Illinois into the State of Iowa.

LABEL, IN PART: "Jelke's Good Luck Vegetable Oleomargarine."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of fat had been substituted for oleomargarine.

Misbranding, Section 403 (g) (1), the product fell below the definition and standard of identity for oleomargarine since it contained less than 80 percent of fat.

DISPOSITION: On January 30, 1950, a motion to abate the information was filed on the ground that the defendant corporation had been dissolved. On February 8, 1950, after argument before the court, the motion was denied. On March 22, 1950, a plea of guilty having been entered, the court fined the defendant \$400, together with costs.

16020. Adulteration of skim milk powder. U. S. v. 54 Barrels * * *. (F. D. C. No. 28518. Sample No. 47647-K.)

LABEL FILED: January 11, 1950, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about November 12, 1949, by the Chambersburg Dairy Products Co., Inc., from Chambersburg, Pa.

PRODUCT: 54 200-pound barrels of skim milk powder at Norfolk, Va.

LABEL, IN PART: "Dairymaid Skim Milk Powder for human consumption."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: February 13, 1950. The Chambersburg Dairy Products Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

FISH AND SHELLFISH

16021. Misbranding of Minnesota Lakefish. U. S. v. 100 Cases * * *. (F. D. C. No. 25809. Sample No. 9576-K.)

LIBEL FILED: October 11, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about July 21, 1948, by the Lakefish Canning Co., from Mankato, Minn.

PRODUCT: 100 cases, each containing 48 6½-ounce cans, of Minnesota Lakefish at New York, N. Y. Examination showed that the cans and labels of the product were of the size, style, and arrangement customarily used for tuna fish. The article contained fish of the carp variety.

LABEL, IN PART: (Can) "Minnesota Lakefish Brand Fresh Water Light Meat."

NATURE OF CHARGE: Misbranding, Section 403 (a), the style of labeling and the following label statements were misleading since they suggested that the article was comparable in uses and taste, and had the characteristics, of canned tuna fish, and that it was a new variety of fish, namely, lakefish, whereas the article did not resemble canned tuna fish in taste and other characteristics and was canned carp, a common variety of fresh water fish: "Minnesota Lakefish Light Meat Try this new Minnesota Lakefish * * * Use your favorite Tuna Fish * * * Recipes. Write for Recipe Booklets Novel and different dishes prepared with Minnesota Lakefish. For appetizing Recipes (see other side of label) * * * Can be used in any recipe that calls for Tuna Fish * * *."

Further misbranding, Section 403 (a), the style of labeling and the name "New Minnesota Lakefish Light Meat * * * Use your favorite Tuna Fish * * * Recipes * * * Can be used in any recipe that calls for Tuna Fish" were false and misleading since they represented and suggested that the article was a new variety of fresh water fish comparable in taste and characteristics to light meat tuna fish, whereas the article was a common variety of local fish, namely, carp; and, Section 403 (f), the name of the article "Carp" was not prominently placed on the label with such conspicuousness (as compared with other words, statements, and designs on the label) as to render such name likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: April 19, 1950. The Lakefish Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

16022. Misbranding of canned clams. U. S. v. 347 Cases, etc. (F. D. C. Nos. 28351, 28352. Sample Nos. 30233-K, 30235-K.)

LIBEL FILED: November 23, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about September 7, 1949, by the General Foods Corp., Blue Point Division, W. Sayville, Long Island, N. Y.

PRODUCT: 472 cases, each containing 24 cans, of clams at Los Angeles, Calif.

LABEL, IN PART: "Drained Weight 5 Oz. Net weight 10 Oz. 40-Fathom Minced Clams."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Drained Weight 5 Oz." was false and misleading. (The drained weight was less than 5 ounces.)

DISPOSITION: February 16, 1950. The General Foods Corp., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

16023. Adulteration of crab meat. U. S. v. Fred A. Whorton, Jr. (Whorton Brothers). Plea of guilty to count 1; defendant fined \$250 and placed on probation for 2 years. Judgment of acquittal on remaining counts. (F. D. C. No. 27539. Sample Nos. 3296-K, 40197-K, 40443-K, 47612-K.)

INDICTMENT RETURNED: October 10, 1949, Eastern District of North Carolina, against Fred A. Whorton, Jr., trading as Whorton Brothers, Oriental, N. C.

ALLEGED SHIPMENT: On or about June 22, 23, 28, and 29, 1949, from the State of North Carolina into the State of Pennsylvania.

LABEL, IN PART: "Whorton Brothers * * * Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance, as evidenced by the presence of fecal *Escherichia coli*; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 18, 1950. A plea of guilty having been entered by the defendant to count 1, the court imposed a fine of \$250 and placed him on probation for 2 years. The defendant was acquitted, however, on the three remaining counts of the information.

16024. Adulteration of canned oysters. U. S. v. 146 Cases * * *. (F. D. C. No. 28563. Sample No. 50090-K.)

LIBEL FILED: December 15, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about November 3, 1949, by the Pelican Lake Oyster & Packing Co., Ltd., Houma, La.

PRODUCT: 146 cases, each containing 48 4 $\frac{2}{3}$ -ounce cans, of oysters at Seattle, Wash.

LABEL, IN PART: "Pel-La-Co Louisiana Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed oysters.

DISPOSITION: February 21, 1950. The shipper having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the unfit portion be segregated under the supervision of the Food and Drug Administration. Segregation operations were completed on April 24, 1950, and resulted in the destruction of 61 cases and 15 cans of the product.

16025. Adulteration of oysters. U. S. v. 440 Pints, etc. (F. D. C. No. 28595. Sample Nos. 47225-K, 47226-K.)

LIBEL FILED: December 21, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 17, 1949, by Dryden Bros. Seafood Co., Inc., from Crisfield, Md.

PRODUCT: 730 pints of oysters at Pittsburgh, Pa.

LABEL, IN PART: "D-B Brand * * * Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

DISPOSITION: January 13, 1950. Default decree of condemnation and destruction.

16026. Adulteration and misbranding of canned shrimp. U. S. v. 99 Cases * * *. (F. D. C. No. 28281. Sample No. 32541-K.)

LIBEL FILED: November 10, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about September 24, 1949, by the Orleans Seafood Co., from New Orleans, La.

PRODUCT: 99 cases, each containing 48 5-ounce cans, of shrimp at San Francisco, Calif.

LABEL, IN PART: (Can) "Gulf Pearl Brand Shrimp Wet Pack."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

Misbranding, Section 403 (h) (2), the product was packed in nontransparent containers and fell below the standard of fill of container for canned wet pack shrimp in such containers since the cut-out weight of the shrimp taken from each can was less than 64 percent of the water capacity of the container, and its label failed to bear a statement that the product fell below the standard.

DISPOSITION: April 11, 1950. Default decree of condemnation and destruction.

16027. Adulteration of frozen shrimp. U. S. v. 37 Cartons * * *. (F. D. C. No. 28412. Sample No. 41950-K.)

LIBEL FILED: December 13, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 10, 1949, by Par Co., Inc., from Dallas, Tex.

PRODUCT: 37 cartons, each containing 10 5-pound packages, of frozen shrimp at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: February 28, 1950. Default decree of condemnation and destruction.

16028. Adulteration of frozen shrimp. U. S. v. 13 Cases * * *. (F. D. C. No. 28691. Sample No. 70980-K.)

LIBEL FILED: January 27, 1950, District of Arizona.

ALLEGED SHIPMENT: On or about October 18, 1949, from Mexico.

PRODUCT: 13 cases, each containing 4 15-pound blocks, of frozen shrimp at Nogales, Ariz.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decom-

posed shrimp. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 29, 1950. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES*

CANNED FRUIT

16029. Misbranding of canned cherries. U. S. v. 49 Cases * * *. (F. D. C. No. 28489. Sample No. 50931-K.)

LIBEL FILED: December 29, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about October 13, 1949, by Hudson-Duncan Co., Portland, Oreg.

PRODUCT: 49 cases, each containing 24 1-pound, 14-ounce cans, of cherries at Brooklyn, N. Y.

LABEL, IN PART: "Cheerio Brand Royal Anne Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned cherries, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear as required by the regulations the name of the optional cherry ingredient present in the food, namely, "light sweet" and the name of the optional packing medium present, namely, "heavy syrup."

DISPOSITION: March 9, 1950. Hudson-Duncan Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

DRIED FRUIT

16030. Adulteration of raisins. U. S. v. 60 Cases * * *. (F. D. C. No. 28488. Sample No. 46764-K.)

LIBEL FILED: December 23, 1949, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about August 31, 1949, from Hayward, Calif.

PRODUCT: 60 cases, each containing 48 15-ounce packages, of raisins at Moundsville, W. Va.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 7, 1950. Default decree of condemnation and destruction.

PRESERVES AND FRUIT BUTTER

16031. Adulteration of strawberry preserves. U. S. v. 25 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 28029, 28030, 28066, 28067. Sample Nos. 57308-K, 57309-K, 57619-K, 57620-K.)

LIBELS FILED: October 7 and 18, 1949, District of New Jersey.

*See also No. 16001.

ALLEGED SHIPMENT: On or about July 5, 11, 12, and 19, and August 12, 1949, by the Fruitcrest Corp., from Brooklyn, N. Y.

PRODUCT: Strawberry preserves. 25 cases at Jersey City, N. J., 4 cases at Newark, N. J., 10 cases at East Orange, N. J., and 86 cases at Bayonne, N. J. Each case contained 24 1-pound jars.

LABEL, IN PART: "Fruitcrest Pure De Luxe Strawberry Preserves."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberry material.

DISPOSITION: April 5, 1950. Default decrees of condemnation and destruction.

16032. Adulteration of strawberry jam. U. S. v. 10 Cases * * *. (F. D. C. No. 28796. Sample No. 32687-K.)

LIBEL FILED: January 24, 1950, District of Nevada.

ALLEGED SHIPMENT: On or about April 25, 1949, by Golden Gate Food, Inc., from Berkeley, Calif.

PRODUCT: 10 cases, each containing 6 6-pound, 4-ounce cans, of strawberry jam at Reno, Nev.

LABEL, IN PART: "Any Time Pure Strawberry Jam."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberry material.

DISPOSITION: February 7, 1950. Default decree of condemnation and destruction.

16033. Adulteration of apple butter. U. S. v. 24 Cases, etc. (F. D. C. No. 28614. Sample Nos. 61578-K, 61579-K.)

LIBEL FILED: On or about January 9, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 13, 1949, by the Colonial Mfg. Co., from Oklahoma City, Okla.

PRODUCT: Apple butter. 24 cases, each containing 24 14-ounce jars, and 170 cases, each containing 12 1-pound, 12-ounce jars, at Springfield, Mo.

LABEL, IN PART: "Zestee Apple Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair.

DISPOSITION: February 16, 1950. Default decree of destruction.

VEGETABLES AND VEGETABLE PRODUCTS

16034. Adulteration of celery. U. S. v. 502 Crates * * * (and 1 other seizure action). (F. D. C. Nos. 28783, 28790. Sample Nos. 47234-K, 76610-K.)

LIBELS FILED: January 17 and 19, 1950, Eastern District of Missouri and Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 8 and 9, 1950, by the Garin Co., from Graves, Calif.

PRODUCT: Celery. 502 crates at St. Louis, Mo., and 504 crates at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softening, due to freezing.

DISPOSITION: January 23 and February 9, 1950. Default decrees of condemnation and destruction.

16035. Adulteration of celery. U. S. v. 434 Crates, etc. (F. D. C. No. 28538. Sample Nos. 48740-K, 80841-K.)

LIBEL FILED: January 20, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 7, 1950, by the Garin Co., from Salinas, Calif.

PRODUCT: 638 crates of celery at Philadelphia, Pa.

LABEL, IN PART: "Garin-Tee Quality California Celery."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its discoloration, pithiness, and softening, due to freezing.

DISPOSITION: January 24, 1950. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

16036. Adulteration of celery. U. S. v. 504 Crates * * *. (F. D. C. No. 28536. Sample No. 73496-K.)

LIBEL FILED: January 23, 1950, District of Connecticut.

ALLEGED SHIPMENT: On or about January 8, 1950, by the Garin Co., from Graves, Calif.

PRODUCT: 504 crates of celery at Bridgeport, Conn.

LABEL, IN PART: "Garin-Tee Quality California Celery."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its discoloration, pithiness, and softening, due to freezing.

DISPOSITION: February 6, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as hog feed and mulch.

16037. Adulteration of canned corn. U. S. v. 111 Cases * * *. (F. D. C. No. 28793. Sample No. 61832-K.)

LIBEL FILED: January 20, 1950, Western District of Tennessee.

ALLEGED SHIPMENT: On or about October 3, 1949, by the McLean County Canning Co., from Le Roy, Ill.

PRODUCT: 111 cases, each containing 6 6-pound, 10-ounce cans, of corn at Memphis, Tenn.

LABEL, IN PART: "Penny Saver Cream Style Country Gentleman White Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: February 20, 1950. Default decree of condemnation and destruction.

16038. Adulteration of dehydrated corn. U. S. v. 8 Drums * * *. (F. D. C. No. 28572. Sample No. 47780-K.)

LIBEL FILED: December 20, 1949, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about October 12 and November 1, 1949, by the E. B. Hostetter Co., Marion, Ohio, and Richwood Products, Inc., Richwood, Ohio.

PRODUCT: 8 150-pound drums of dehydrated corn at Huntington, W. Va.

LABEL, IN PART: "Nunso Tender Evaporated Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent excreta.

DISPOSITION: February 6, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as live-stock feed.

16039. Misbranding of mushrooms. U. S. v. Daddezio Brothers. Plea of guilty.

Fine, \$200. (F. D. C. No. 28770. Sample Nos. 48646-K, 48652-K, 48685-K, 48691-K.)

INFORMATION FILED: March 15, 1950, Eastern District of Pennsylvania, against the Daddezio Brothers, a partnership, Toughkenamon, Pa.

ALLEGED SHIPMENT: On or about October 26 and 27 and November 21 and 22, 1949, from the State of Pennsylvania into the State of New York.

LABEL, IN PART: (Baskets) "3 Lb. Net Mushrooms."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the baskets contained less than the labeled three pounds net.

DISPOSITION: April 11, 1950. A plea of guilty having been entered, the court fined the defendant \$200.

16040. Misbranding of mushrooms. U. S. v. Lovisa & Primus. Plea of nolo contendere. Fine, \$150. (F. D. C. No. 28769. Sample Nos. 48695-K, 48699-K.)

INFORMATION FILED: March 15, 1950, Eastern District of Pennsylvania, against Lovisa & Primus, a partnership, Kennett Square, Pa.

ALLEGED SHIPMENT: On or about December 20 and 21, 1949, from the State of Pennsylvania into the State of New York.

LABEL, IN PART: (Baskets) "3 Lb. Net Mushrooms."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the baskets contained less than the labeled three pounds net.

DISPOSITION: April 11, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$150.

16041. Adulteration of dried chick peas. U. S. v. 3½ Bags * * *. (F. D. C. No. 28746. Sample No. 57438-K.)

LABEL FILED: March 7, 1950, Eastern District of New York.

ALLEGED SHIPMENT: The article was imported from Chile.

PRODUCT: 3½ bags, each containing 174 pounds, of dried chick peas at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect excreta. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 13, 1950. Default decree of condemnation and destruction.

16042. Adulteration of canned sweet potatoes. U. S. v. 580 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 28798, 28841. Sample Nos. 52739-K, 58663-K.)

LIBELS FILED: January 20 and February 7, 1950, Southern District of California and Northern District of Indiana.

ALLEGED SHIPMENT: On or about October 25 and November 2 and 17, 1949, by H. E. Kelley & Co., from New Church, Va.

PRODUCT: Canned sweet potatoes. 580 cases, each containing 24 1-pound, 7-ounce cans, at Los Angeles, Calif., and 174 cases, each containing 6 6-pound, 6-ounce cans, at Bluffton, Ind.

LABEL, IN PART: "Kelley's Whole Sweet Potatoes In Syrup" or "Golden Kelley's Whole In Syrup Sweet Potatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 6 and 13, 1950. The shipper having consented to the entry of a decree against the Los Angeles lot and no claimant having appeared for the Bluffton lot, judgments of condemnation were entered and the court ordered that the Los Angeles lot be destroyed and that the Bluffton lot be delivered to a Federal institution, for use as stock feed.

TOMATOES AND TOMATO PRODUCTS *

16043. Adulteration of canned tomatoes. U. S. v. 196 Cases * * *. (F. D. C. No. 28499. Sample No. 57093-K.)

LIBEL FILED: December 29, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about October 30, 1949, by the Hopewell Sun Packing Co., from Hopewell, N. J.

PRODUCT: 196 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at Brooklyn, N. Y.

LABEL, IN PART: "LaGustosa Brand * * * Unpeeled Plum Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 13, 1950. Default decree of condemnation and destruction.

16044. Adulteration of tomato catsup. U. S. v. 333 Cases * * *. (F. D. C. No. 28801. Sample No. 76606-K.)

LIBEL FILED: January 20, 1950, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 23, 1949, by the Perry Canning Co., from Brigham City, Utah.

PRODUCT: 333 cases, each containing 6 6-pound, 15-ounce cans, of tomato catsup at St. Louis, Mo.

LABEL, IN PART: "Mountain Made Fancy Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

*See also Nos. 16002, 16003.

DISPOSITION: February 16, 1950. Default decree of condemnation and destruction.

16045. Adulteration of tomato puree. U. S. v. Lloyd Sparrow (Lomax Canning Co.) Plea of guilty. Fine of \$300, plus costs. (F. D. C. No. 28775. Sample No. 64152-K.)

LIBEL FILED: March 14, 1950, Southern District of Illinois, against Lloyd Sparrow, trading as the Lomax Canning Co., Lomax, Ill.

ALLEGED SHIPMENT: Between the approximate dates of November 4 and 9, 1949, from the State of Illinois into the State of Iowa.

LABEL, IN PART: "Mississippi Valley Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 22, 1950. A plea of guilty having been entered, the court fined the defendant \$300, plus costs.

16046. Adulteration of tomato puree. U. S. v. 86 Cases * * *. (F. D. C. No. 28778. Sample No. 46362-K.)

LIBEL FILED: January 19, 1950, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about October 24, 1949, by the Ladoga Canning Co., from Lebanon, Ind.

PRODUCT: 86 cases, each containing 48 10½-ounce cans, of tomato puree at Danville, Ill.

LABEL, IN PART: "Sugar Loaf Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 2, 1950. Default decree of condemnation. The court ordered that the product be sold for purposes other than for human consumption and that in the event of failure to so dispose of the product, that it be destroyed.

NUTS AND NUT PRODUCTS

16047. Adulteration of brazil nuts. U. S. v. 98 Cases * * *. (F. D. C. No. 28465. Sample No. 56865-K.)

LIBEL FILED: December 6, 1949, District of New Jersey.

ALLEGED SHIPMENT: November 18, 1949, by Wm. A. Higgins & Co., Inc., from New York, N. Y.

PRODUCT: 98 cases, each containing 50 1-pound bags, of brazil nuts at Newark, N. J.

LABEL, IN PART: "Holly Large Washed Brazil Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and otherwise decomposed brazil nuts.

DISPOSITION: January 31, 1950. Wm. A. Higgins & Co., Inc., having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the unfit portion be segregated and destroyed, under the supervision of the Food

and Drug Administration. The salvaging operations resulted in the rejection of 560 pounds of the product.

16048. Adulteration of brazil nuts. U. S. v. 49 Bags * * *. (F. D. C. No. 28583. Sample No. 61910-K.)

LIBEL FILED: December 20, 1949, Western District of Tennessee.

ALLEGED SHIPMENT: On or about October 10, 1949, by the Two States Produce Co., Blytheville, Ark.

PRODUCT: 49 100-pound bags of brazil nuts at Memphis, Tenn.

LABEL, IN PART: "Holly 4 New Crop * * * Brazil Nuts Packed by Wm. A. Higgins & Co. Inc., New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and rancid brazil nuts, and it was otherwise unfit for food by reason of the presence of empty shells.

DISPOSITION: January 18, 1950. Wm. A. Higgins & Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration. Segregation operations resulted in the salvage of 4,500 pounds of the product and the destruction of 170 pounds.

16049. Adulteration of pecans. U. S. v. 100 Bags * * *. (F. D. C. No. 28591. Sample Nos. 43710-K, 43711-K, 43713-K.)

LIBEL FILED: December 21, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 30 and December 10, 1949, by C. L. Ballard, from Luverne, Ala.

PRODUCT: 36 100-pound bags and 64 50-pound bags of pecans at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed nuts, and it was otherwise unfit for food by reason of the presence of shriveled nuts and empty shells.

DISPOSITION: January 6, 1950. The Aaronson-Funck Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. The nuts were shelled, resulting in the recovery of 1,701 pounds of good nuts and the destruction of 84 pounds of unfit nuts.

16050. Adulteration of black walnut siftings. U. S. v. 25 Cartons * * *. (F. D. C. No. 28743. Sample No. 57439-K.)

LIBEL FILED: February 28, 1950, Eastern District of New York.

ALLEGED SHIPMENT: On or about January 5, 1950, by the Lusk Candy Co., from Davenport, Iowa.

PRODUCT: 25 30-pound cartons of black walnut siftings at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its rancidity.

DISPOSITION: April 13, 1950. Default decree of condemnation and destruction.

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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

16051-16100

FOODS

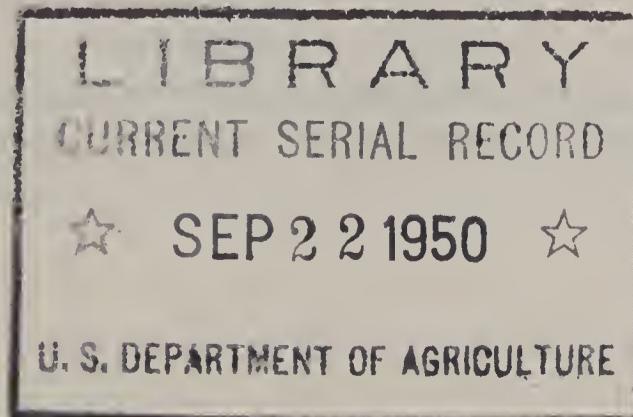
The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *August 14, 1950.*

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CEREALS AND CEREAL PRODUCTS

CORN MEAL

16051. Adulteration of corn meal and self-rising flour. U. S. v. Banner Mill Co., Inc., and Tommy T. Reaves. Pleas of guilty. Corporation fined \$400; individual defendant fined \$200. (F. D. C. No. 28757. Sample Nos. 52340-K, 52341-K.)

INFORMATION FILED: March 2, 1950, Eastern District of Tennessee, against Banner Mill Co., Greeneville, Tenn., and Tommy T. Reaves, plant manager.

ALLEGED SHIPMENT: On or about September 26, 1949, from the State of Tennessee into the State of North Carolina.

LABEL, IN PART: "Sunrise Corn Meal" or "Self-Rising Tennessee Girl Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of (in the corn meal) larvae, insect fragments, rodent hair fragments, and rodent excreta fragments, and (in the flour) insect fragments and rodent hair fragments; and, Section 402 (a) (4), the products had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 13, 1950. Pleas of guilty having been entered, the court fined the corporation \$400 and the individual defendant \$200.

16052. Adulteration of corn meal. U. S. v. 75 Bags, etc. (F. D. C. No. 27896. Sample No. 54264-K.)

LIBEL FILED: October 10, 1949, Western District of Louisiana.

ALLEGED SHIPMENT: On or about August 27, 1949, by the Murphy Grain & Milling Co., Owensboro, Ky.

PRODUCT: Corn meal. 75 bags, each containing 25-pounds; 55 bales, each containing 10 5-pound bags; and 15 bales, each containing 5 10-pound bags, at Monroe, La.

LABEL, IN PART: "Martha White Degerminated White Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, rodent excreta, and rodent hairs.

DISPOSITION: April 10, 1950. Default decree of condemnation and destruction.

MACARONI AND NOODLE PRODUCTS

16053. Adulteration of macaroni products. U. S. v. G. D. Del Rossi Co., Inc., and Gaetano D. Del Rossi. Pleas of guilty. Corporation fined \$1,000; individual defendant placed on 1 year's probation. (F. D. C. No. 27501. Sample Nos. 5727-K, 5729-K.)

INFORMATION FILED: August 29, 1949, District of Rhode Island, against G. D. Del Rossi Co., Inc., Providence, R. I., and Gaetano D. Del Rossi, president and treasurer.

ALLEGED SHIPMENT: On or about February 14, 1949, from the State of Rhode Island into the State of Massachusetts.

LABEL, IN PART: "Vermicelli" or "Rizzette."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects and insect

fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 3, 1950. Pleas of guilty having been entered, the court fined the corporation \$1,000 and placed the individual defendant on probation for 1 year.

16054. Adulteration of macaroni and egg noodles. U. S. v. 79 Cases, etc.
(F. D. C. No. 28447. Sample Nos. 31948-K, 31949-K.)

LIBEL FILED: November 28, 1949, District of Arizona.

ALLEGED SHIPMENT: On or about September 13, 1949, by Robert William Foods, Inc., from Los Angeles, Calif.

PRODUCT: 79 5-pound cases of macaroni, and 11 cases, each containing 24 4-ounce packages, of egg noodles, at Phoenix, Ariz.

LABEL, IN PART: "Elbow Macaroni Miller's" and "Miller's Pure Egg Noodles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: January 12, 1950. Default decree of condemnation and destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

16055. Adulteration of rolled oats, oatmeal, pastry flour, and plain flour. U. S. v. 192 Bags, etc. (F. D. C. No. 28695. Sample Nos. 63525-K to 63527-K, incl., 63529-K, 63531-K, 63532-K.)

LIBEL FILED: January 27, 1950, District of Massachusetts.

ALLEGED SHIPMENT: On or about July 29, August 17, and October 13 and 18, 1949, from Alton, Ill., and Buffalo, N. Y.

PRODUCT: 192 100-pound bags of rolled oats, 136 100-pound bags of oatmeal, 37 100-pound bags of pastry flour, and 76 100-pound bags of plain flour, at East Cambridge, Mass., in possession of Hoosac Storage & Warehouse Co., Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 20, 1950. Hoosac Storage & Warehouse Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for segregation and destruction of the unfit portions, under the supervision of the Food and Drug Administration. Segregation operations resulted in the salvage of a total of 117 bags of the various products, which were fit for human consumption. The remainder was denatured for use as animal feed.

16056. Adulteration of unpopped popcorn. U. S. v. 95 Cases * * *. (F. D. C. No. 28838. Sample No. 55763-K.)

LIBEL FILED: On or about February 9, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about December 14, 1949, by the Better Taste Popcorn Co., from Anderson, Ind.

PRODUCT: 95 cases, each containing 24 10-ounce cans, of unpopped popcorn at Kansas City, Mo.

LABEL, IN PART: "Davis Hybrid Pop Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, insects, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 30, 1950. Default decree of condemnation. The court ordered that the product be delivered to a municipal institution, for use as hog feed.

16057. Adulteration of unpopped popcorn. U. S. v. 26 Cases * * *. (F. D. C. No. 28822. Sample No. 68623-K.)

LIBEL FILED: January 27, 1950, District of Montana.

ALLEGED SHIPMENT: On or about July 14, 1949, by the Southern Idaho Growers, from Buhl, Idaho.

PRODUCT: 26 cases, each containing 12 2-pound packages, of unpopped popcorn at Missoula, Mont.

LABEL, IN PART: "Crown Quality Improved or Hybrid Popcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-damaged kernels and rodent pellets, and of a decomposed substance by reason of the presence of moldy kernels.

DISPOSITION: March 23, 1950. Default decree of condemnation was entered, and the court ordered that the product be denatured and delivered to a State institution, for use as animal feed.

16058. Adulteration of rice. U. S. v. 398 Sacks, etc. (F. D. C. No. 28897. Sample Nos. 34571-K, 34572-K.)

LIBEL FILED: March 15, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about October 7, 1948, and March 3, 1949, from De Witt, Ark.

PRODUCT: 498 100-pound sacks of rice at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of being insect-infested. The product was adulterated while being held for sale after shipment in interstate commerce.

DISPOSITION: April 7, 1950. Parodi, Erminio & Co., Inc., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. Segregation operations resulted in the destruction of 40 pounds of the product.

16059. Adulteration of brewers rice. U. S. v. 2,000 Bags * * *. (F. D. C. No. 28868. Sample Nos. 48804-K, 48805-K.)

LIBEL FILED: February 21, 1950, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 29, 1949, and January 6, 1950, by Rosenberg Bros. & Co., Inc., from San Francisco, Calif.

PRODUCT: 2,000 100-pound bags of brewers rice at Wilkes-Barre, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and insects; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On or about April 12, 1950, Rosenberg Bros. & Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be converted into stock feed, under the supervision of the Food and Drug Administration.

CONFECTIONERY

CANDY

16060. Adulteration of candy. U. S. v. Garlon Nelson (Garlon Nelson Candy Co.). Plea of nolo contendere. Fine, \$350. (F. D. C. No. 29136. Sample Nos. 71277-K, 71282-K, 71283-K.)

INFORMATION FILED: April 3, 1950, Western District of Arkansas, against Garlon Nelson, trading as the Garlon Nelson Candy Co., Texarkana, Ark.

ALLEGED SHIPMENT: On or about December 14, 1949, from the State of Arkansas into the State of California.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hairs, and rodent pellets; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 14, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$350.

16061. Adulteration of candy. U. S. v. 17 Boxes, etc. (F. D. C. Nos. 28854, 28855. Sample Nos. 71287-K, 71288-K.)

LIBEL FILED: February 9, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about December 15, 1949, by Garlon Nelson, from Texarkana, Ark.

PRODUCT: Candy. 17 boxes, each containing 120 sticks, and 18 boxes, each containing 24 sticks, at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 1, 1950. Default decree of condemnation and destruction.

16062. Adulteration of candy. U. S. v. 10 Boxes, etc. (F. D. C. No. 28866. Sample Nos. 58276-K, 58277-K.)

LIBEL FILED: February 16, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about December 20, 1949, by the Mignon Chocolate Co., from New York, N. Y.

PRODUCT: Candy. 10 boxes, each containing 24 1-ounce bars, and 38 8-ounce boxes, at Los Angeles, Calif.

LABEL, IN PART: "Chocolate Marzipan Coffee" or "Mignon Coffee Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4); it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 20, 1950. Default decree of condemnation and destruction.

16063. Adulteration of candy. U. S. v. 6 Cases, etc. (F. D. C. No. 29022. Sample Nos. 72662-K to 72664-K, incl., 72668-K to 72676-K, incl., 72679-K to 72685-K, incl., 72687-K to 72691-K, incl.)

LIBEL FILED: March 22, 1950, Northern District of Ohio.

ALLEGED SHIPMENT: On various dates in October, November, and December, 1949, by the Sifers Candy Co., from Iola, Kans.

PRODUCT: Candy. 6 cases, each containing 24 8-ounce bags; 2 cases, each containing 20 1½-ounce boxes; 3 cases, each containing 20 boxes of 24 bars each, 1,661 bags in 8-ounce and 10-ounce sizes; 70 jars in 9-ounce, 12-ounce, and 1-pound size; and 8 30-pound cases and 4 24-pound cases, at Mansfield, Ohio.

LABEL, IN PART: "Milk Chocolate Dreams," "Sifers Cocoanut Twins Chocolate Covered," "Pecan-Brazil Bar," "Cocoanut Cubes," "Peanut Butterettes," "Swedish Mints," "Old Fashioned Druggist Horehound," "Baby Satin Finish Mixed," "Black Walnut Satinettes Sifers," "Milk Chocolate Carmels," "Peanut Butter Krunchies," "Milk Chocolate Clusters," "Cinnamon Waffles," "Assorted Cocolettes Sifers," "Mint Kisses," "Golden Butterscotch Waffles," "Sifers Assorted Delights," "Sifers Lemonettes," "Sifers Syrup Chocolate Flavor * * * Peanut Butterettes," "Sifers Swedish Mints," "Sifers Xmas Mix," and "Sifers Asst'd Crimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, rodent excreta, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 26, 1950. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

16064. Adulteration of butter. U. S. v. 84 Cartons (5,040 pounds) * * *. (F. D. C. No. 29008. Sample No. 57616-K.)

LIBEL FILED: September 20, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about August 29, 1949, by the Essig Coop. Dairy Assn., from Essig, Minn.

PRODUCT: 84 60-pound cartons of butter at Jersey City, N. J.

LABEL, IN PART: "The Great A & P Tea Co., New York Distributors Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid or decomposed substance since it contained houseflies, fly and insect fragments, manure, rat or mouse hair, insect egg, and sediment; and, Section 402 (a) (4). it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 7, 1949. Default decree of condemnation. The court ordered that the product be denatured and sold for purposes of fat salvage.

16065. Adulteration of butter. U. S. v. 199 Cartons (6,368 pounds) * * *. (F. D. C. No. 29104. Sample No. 4160-K.)

LIBEL FILED: August 22, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 3, 1949, by the Fairmont Foods Co., from Columbus, Ohio.

PRODUCT: 199 cartons, each containing 32 1-pound prints, of butter at Worcester, Mass. Analysis showed that the product contained insects, insect fragments, fly filth, and mold.

LABEL, IN PART: (Wrapper) "Sweet Clover Brand Butter * * * Packed by Fairmont Foods Company * * * Omaha, Neb."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy or decomposed animal substance, or both.

DISPOSITION: October 6, 1949. The Fairmont Foods Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency. The conversion of the product into animal feed was completed on December 27, 1949.

CHEESE

16066. Adulteration of cheese. U. S. v. 327 Pounds * * *. (F. D. C. No. 28732. Sample No. 62954-K.)

LIBEL FILED: February 17, 1950, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 17, 1949, from Naples, Italy.

PRODUCT: 327 pounds of cheese at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 17, 1950. Default decree of condemnation and destruction.

16067. Adulteration of Copanisti cheese. U. S. v. 1 Keg * * *. (F. D. C. No. 28902. Sample No. 46796-K.)

LIBEL FILED: March 15, 1950, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 23, 1949, by D. Costalos, New York, N. Y.

PRODUCT: 1 keg containing 128 pounds of Copanisti cheese at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hair fragments.

DISPOSITION: April 12, 1950. Default decree of condemnation and destruction.

FISH AND SHELLFISH

16068. Adulteration of frozen whiting. U. S. v. 30,000 Pounds * * *. (F. D. C. No. 28914. Sample Nos. 76631-K, 76632-K.)

LIBEL FILED: March 21, 1950, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about March 3, 1950, by the Booth Fisheries Corp., from North Truro, Mass.

PRODUCT: 30,000 pounds of frozen whiting at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: April 17, 1950. Default decree of condemnation and destruction.

16069. Adulteration of frozen shrimp. U. S. v. 138 Cases * * *. (F. D. C. No. 28915. Sample No. 54717-K.)

LIBEL FILED: On or about March 22, 1950, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about July 14, 1949, by A & J Produce & Seafood, Inc., from Brownsville, Tex.

PRODUCT: 138 cases, each containing 10 5-pound cartons, of frozen shrimp at New Orleans, La.

LABEL, IN PART: "Oro Brand Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 14, 1950. Default decree of condemnation and destruction.

16070. Adulteration of frozen shrimp. U. S. v. 70 Cases * * *. (F. D. C. No. 28863. Sample No. 61936-K.)

LIBEL FILED: February 17, 1950, Western District of Tennessee.

ALLEGED SHIPMENT: On or about February 3, 1950, by R. E. Roberts, from San Antonio, Tex.

PRODUCT: 70 cases, each containing 10 5-pound cartons, of frozen shrimp at Memphis, Tenn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: April 25, 1950. A default decree was entered, and the court ordered that the product be delivered to a county institution, to be denatured and used as animal feed.

16071. Adulteration of frozen shrimp. U. S. v. 26 Cases * * *. (F. D. C. No. 28869. Sample No. 54707-K.)

LIBEL FILED: February 23, 1950, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about June 7, 1949, by the Brignac Canning Co., of New Orleans, La., from San Francisco, Calif.

PRODUCT: 26 cases, each containing 4 5-pound cans, of frozen shrimp at New Orleans, La.

LABEL, IN PART: "Acapco Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 30, 1950. Default decree of condemnation and destruction.

16072. Adulteration of frozen shrimp. U. S. v. 1,943 Pounds * * *. (F. D. C. No. 28884. Sample No. 76759-K.)

LIBEL FILED: March 7, 1950, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 6, 1950, by Shapiro Fisheries, Inc., from Chicago, Ill.

PRODUCT: 1,943 pounds of frozen shrimp packed in cartons, each carton containing 10 5-pound boxes, at St. Louis, Mo.

LABEL, IN PART: (Boxes) "Frozen Fresh Shrimp * * * Packed by Southeast Packing Co. Galveston, Texas" or "Frozen Fresh Shrimp." some cartons were labeled "For Bait Purposes Only."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 31, 1950. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

DRIED FRUIT

16073. Adulteration of raisins. U. S. v. 34 Cartons * * *. (F. D. C. No. 28811. Sample No. 55378-K.)

LIBEL FILED: January 30, 1950, District of Kansas.

ALLEGED SHIPMENT: On or about May 17, 1949, from Fresno, Calif.

PRODUCT: 34 30-pound cartons of raisins at Liberal, Kans.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect excreta. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 31, 1950. Default decree of condemnation and destruction.

16074. Adulteration of raisins. U. S. v. 5 Cases * * *. (F. D. C. No. 28839. Sample No. 64047-K.)

LIBEL FILED: On February 7, 1950, District of Minnesota.

ALLEGED SHIPMENT: On or about December 5, 1949, by the Edwards Packing Co., Fresno, Calif.

PRODUCT: 5 cases, each containing 20 15-ounce packages, of raisins at Winona, Minn.

LABEL, IN PART: "Muscat Cluster Sun Rich Raisins."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect webbing.

DISPOSITION: March 30, 1950. A default decree was entered and the court ordered that the product be denatured for use as animal feed, or destroyed.

FROZEN FRUIT

16075. Adulteration of frozen black raspberries. U. S. v. 20 Barrels * * *. (F. D. C. No. 28809. Sample Nos. 60345-K, 60361-K.)

LIBEL FILED: January 25, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 25, 1949, by the Eau Claire Packing Co. from Eau Claire, Mich.

PRODUCT: 20 375-pound barrels of frozen black raspberries at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed berries.

DISPOSITION: March 8, 1950. Default decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

16076. Adulteration and misbranding of canned green beans. U. S. v. 46 Cases * * *. (F. D. C. No. 28837. Sample No. 54420-K.)

LIBEL FILED: February 6, 1950, Southern District of Alabama.

ALLEGED SHIPMENT: On or about December 21, 1949, by Mission Foods, Inc., from Mission, Tex.

PRODUCT: 46 cases, each containing 6 6-pound, 5-ounce cans, of green beans at Mobile, Ala.

LABEL, IN PART: "Valley Rose * * * Cut Green Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned green beans since it had not been sealed in the container and so processed by heat as to prevent spoilage.

DISPOSITION: April 5, 1950. Default decree of condemnation and destruction.

16077. Adulteration of celery. U. S. v. 504 Crates * * * (and 1 other seizure action). (F. D. C. Nos. 28810, 28827. Sample Nos. 47236-K, 76613-K.)

LIBELS FILED: January 24 and 30, 1950, Western District of Pennsylvania and Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 7 and 17, 1950, by the Garin Co., from Graves, Calif.

PRODUCT: Celery. 504 crates at Pittsburgh, Pa., and 461 crates at St. Louis, Mo.

LABEL, IN PART: "Garin-Tee Quality California Celery."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softness, due to freezing.

DISPOSITION: January 27 and February 24, 1950. Default decrees were entered. The courts ordered that the Pittsburgh lot be delivered to charitable institutions, the outer stalks to be stripped off and the center fit celery utilized for food, and that the St. Louis lot be destroyed.

16078. Adulteration of celery. U. S. v. 308 Crates * * * (and 1 other seizure action). (F. D. C. Nos. 28779, 28788. Sample Nos. 24682-K, 70912-K.)

LIBELS FILED: On or about January 17 and 19, 1950, Western District of Missouri and Northern District of Iowa.

ALLEGED SHIPMENT: On or about January 6, 1950, by the Salinas Valley Vegetable Exchange, from Salinas, Calif.

PRODUCT: Celery. 308 crates at Cedar Rapids, Iowa, and 504 crates at Kansas City, Mo.

LABEL, IN PART: "Pebble Beach Celery."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softness, due to freezing.

DISPOSITION. January 20 and 25, 1950. The John H. Barr Co., Kansas City, Mo., and the Witwer Grocer Co., Cedar Rapids, Iowa, appeared as claimants for the respective lots. Judgments of condemnation were entered, and the courts ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit outer stalks were stripped off, resulting in the salvage of 304 crates of the Kansas City lot and 172 crates of the Cedar Rapids lot.

16079. Adulteration of celery. U. S. v. 460 Crates * * *. (F. D. C. No. 28813. Sample No. 49728-K.)

LIBEL FILED: January 24, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about January 13, 1950, by John C. Maurer & Son, from Stockton, Calif.

PRODUCT: 460 crates of celery at Denver, Colo.

LABEL, IN PART: "Maurer's Nonpareil California Celery Red Lion."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softness, due to freezing.

DISPOSITION: February 1, 1950. C. H. Robinson, Inc., Minneapolis, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be converted into celery splits, by cutting and trimming off the outer frost-damaged stalks, under the supervision of the Food and Drug Administration.

16080. Adulteration of canned corn. U. S. v. 23 Cases * * *. (F. D. C. No. 28943. Sample No. 69111-K.)

LIBEL FILED: April 3, 1950, Western District of New York.

ALLEGED SHIPMENT: On or about December 2, 1947, by H. L. Forhan, from Gorham, Maine.

PRODUCT: 23 cases, each containing 24 1-pound, 4-ounce cans, of corn at Randolph, N. Y.

LABEL, IN PART: (Can) "Tastewell Golden Sweet Corn Cream Style."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: May 2, 1950. Default decree of condemnation and destruction.

16081. Adulteration of canned black-eyed peas. U. S. v. 374 Cases * * *. (F. D. C. No. 28917. Sample No. 61950-K.)

LIBEL FILED: March 24, 1950, Western District of Tennessee.

ALLEGED SHIPMENT: On or about November 8, 1949, by the Valee Canning Corp., from Raymondville, Tex.

PRODUCT: 374 cases, each containing 24 15-ounce cans, of black-eyed peas at Memphis, Tenn.

LABEL, IN PART: "Vita-Best Brand Fresh Shelled Blackeye Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

DISPOSITION: April 25, 1950. A default decree of condemnation was entered, and the court ordered that the product be delivered to a county institution, for use as hog feed.

16082. Adulteration of canned spinach. U. S. v. 54 Cases * * *. (F. D. C. No. 28858. Sample No. 70914-K.)

LIBEL FILED: On or about February 17, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about December 9, 1949, by the Kuhn Cannery, from Bonner Springs, Kans.

PRODUCT: 54 cases, each containing 6 6-pound, 2-ounce cans, of spinach at Kansas City, Mo.

LABEL, IN PART: "Dollie Mae Fancy Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 27, 1950. Default decree of destruction.

16083. Adulteration of canned strained squash. U. S. v. 154 Cartons * * *. (F. D. C. No. 28850. Sample Nos. 68962-K, 68974-K.)

LIBEL FILED: February 9, 1950, Western District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of January 20, 1948, and January 3, 1949, from Blue Island, Ill.

PRODUCT: 154 cartons, each containing 24 4 $\frac{3}{4}$ -ounce jars, of strained squash at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance, and it was otherwise unfit for food since the jar lids had developed pinholes. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 13, 1950. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

16084. Adulteration of canned tomatoes. U. S. v. 99 Cases * * *. (F. D. C. No. 28824. Sample No. 52689-K.)

LIBEL FILED: January 27, 1950, Western District of Kentucky.

ALLEGED SHIPMENT: On or about October 4, 1949, by the Dupont Canning Co., from Dupont, Ind.

PRODUCT: 99 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Louisville, Ky.

LABEL, IN PART: "Pride of Dupont Indiana Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 27, 1950. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

16085. Adulteration of tomato pulp. U. S. v. 9 Cases * * *. (F. D. C. No. 28829. Sample No. 70134-K.)

LIBEL FILED: February 1, 1950, District of Nebraska.

ALLEGED SHIPMENT: On or about September 22, 1949, by the South-Bud Corp., Preble, Ind.

PRODUCT: 9 cases, each containing 6 6-pound, 9-ounce cans, of tomato pulp at South Omaha, Nebr.

LABEL, IN PART: "South Bud * * * Tomato Pulp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 23, 1950. Default decree of condemnation and destruction.

16086. Adulteration and misbranding of tomato puree. U. S. v. 31 Cases * * *. (F. D. C. No. 28687. Sample No. 54310-K.)

LIBEL FILED: January 30, 1950, Western District of Louisiana.

ALLEGED SHIPMENT: On or about September 23, 1949, by the Akin Products Co., Mission, Tex.

PRODUCT: 31 cases, each containing 6 No. 10 cans, of tomato puree at Ruston, La.

LABEL, IN PART: "Val-Tex Brand Tomato Puree Net Contents 4 $\frac{3}{4}$ Oz. Avoir."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained 6 pounds and 6 ounces, whereas they were labeled "4 $\frac{3}{4}$ Oz. Avoir.") Further misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: April 10, 1950. Default decree of condemnation and destruction.

MEAT AND POULTRY

16087. Adulteration of rabbits. U. S. v. 600 Rabbits. (F. D. C. No. 28804. Sample No. 16310-K.)

LIBEL FILED: January 24, 1950, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about January 9, 1950, by the Schumacher Commission Co., from St. Louis, Mo.

PRODUCT: 600 rabbits at Grosse Pointe, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fecal matter, and of a decomposed substance by reason of the presence of decomposed rabbits.

DISPOSITION: March 16, 1950. Default decree of condemnation and destruction. The product was used for fertilizer.

16088. Adulteration of rabbits. U. S. v. 11 Crates * * *. (F. D. C. No. 28808. Sample No. 54511-K.)

LIBEL FILED: January 23, 1950, Northern District of Alabama.

ALLEGED SHIPMENT: On or about January 15, 1950, by Ray Bouldin & Son, Fordland, Mo.

PRODUCT: 11 crates each containing 36 rabbits at Birmingham, Ala.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fecal matter and improperly cleaned rabbits, and of a decomposed substance by reason of the presence of decomposed rabbits.

DISPOSITION: February 24, 1950. Default decree of condemnation and destruction.

16089. Adulteration of dressed poultry. U. S. v. 30 Crates * * *. (F. D. C. No. 29034. Sample No. 3376-K.)

LABEL FILED: March 29, 1950, District of Columbia.

ALLEGED SHIPMENT: On or about March 27, 1950, by Diamond State Poultry Co., Inc., from Lewes, Del.

PRODUCT: 30 crates, each containing 30 head, of dressed poultry at Washington, D. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of filthy birds; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: March 31, 1950. Diamond State Poultry Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of salvaging the good poultry from the bad and bringing the product into compliance with the law, under the supervision of the Federal Security Agency. The salvaging operations resulted in the release of 974 pounds of the product, which was in passable condition, and the destruction of 1,292 pounds, which was found to be unfit.

16090. Adulteration of dressed chickens. U. S. v. 43 Boxes * * *. (F. D. C. No. 28825. Sample No. 70127-K.)

LIREL FILED: February 2, 1950, District of Nebraska.

ALLEGED SHIPMENT: On or about October 7 and December 14, 1949, by Sheehan Produce, Le Mars, Iowa.

PRODUCT: 43 boxes, containing approximately 3,000 pounds, of dressed chickens at Omaha, Nebr.

LABEL, IN PART: "Grade C Fowl."

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of diseased chickens.

DISPOSITION: February 14, 1950. C. A. Swanson & Sons, Omaha, Nebr., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. The salvaging operations resulted in the segregation and destruction of 1,110 pounds of the product.

16091. Adulteration of frozen chickens. U. S. v. 1 Barrel * * *. (F. D. C. No. 28997. Sample No. 42069-K.)

LIBEL FILED: November 30, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 19, 1949, by Todd's Poultry Dressing Plant, Warsaw, Ind.

PRODUCT: 1 260-pound barrel of frozen chickens at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, and it was otherwise unfit for food by reason of the presence of filthy and otherwise unfit birds; Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: April 17, 1950. Default decree of condemnation and destruction.

16092. Adulteration of frozen turkeys. U. S. v. 5,000 Pounds * * *. (F. D. C. No. 28481. Sample No. 8658-K.)

LIBEL FILED: December 28, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about November 2, 1949, by the F. M. Stamper Co., Moberly, Mo.

PRODUCT: 5,000 pounds of frozen turkeys at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of miscellaneous filth.

DISPOSITION: March 7, 1950. The shipper having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the unfit portion be segregated and destroyed, under the supervision of the Food and Drug Administration. Segregation operations resulted in the destruction of 530 pounds of the product.

16093. Adulteration of frozen turkeys. U. S. v. 3 Boxes, etc. (F. D. C. No. 28999. Sample Nos. 60016-K to 60020-K, incl.)

LIBEL FILED: November 30, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 30 and October 3, 13, and 14, 1949, by Altura Rex Turkeys, Inc., from Altura, Minn.

PRODUCT: 14 boxes containing 69 frozen turkeys at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a substance which was unfit for food; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal. (Examination showed the presence of diseased and otherwise unfit birds.)

DISPOSITION: April 20, 1950. Default decree of condemnation and destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

16094. Adulteration of paprika. U. S. v. 75 Sacks * * *. (F. D. C. No. 28898. Sample No. 71196-K.)

LIBEL FILED: March 14, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about December 31, 1949, by Theodore Ramirez, from Douglas, Ariz.

PRODUCT: 75 sacks, containing a total of 10,000 pounds, of paprika at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy pods.

DISPOSITION: April 11, 1950. Default decree of condemnation and destruction.

16095. Adulteration of black pepper. U. S. v. 3 Bags * * *. (F. D. C. No. 28627. Sample No. 72021-K.)

LABEL FILED: January 5, 1950, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 26, 1949, by Charles T. Wilson Co., Inc., from New York, N. Y.

PRODUCT: 3 bags, containing a total of approximately 400 pounds, of pepper at Columbus, Ohio. The product was invoiced as "Black Pepper."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of molle seed and black pepper had been substituted in whole or in part for black pepper.

DISPOSITION: February 10, 1950. Default decree of destruction.

16096. Adulteration of red peppers (in brine). U. S. v. 25 Barrels * * *. (F. D. C. No. 28660. Sample No. 76604-K.)

LABEL FILED: January 16, 1950, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 9, 1949, by Basic Food Materials, Inc., from Hurlock, Md.

PRODUCT: 25 unlabeled 55-gallon barrels of red peppers (in brine) at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of flies, fly eggs, maggots, and other insects.

DISPOSITION: February 10, 1950. Default decree of condemnation and destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

16097. Adulteration and misbranding of vitamin B complex tablets. U. S. v. 66 Bottles * * *. (F. D. C. No. 27244. Sample No. 40717-K.)

LABEL FILED: May 20, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about April 11, 1949, by the Hempstead-Lanstrom Co., from Los Angeles, Calif.

PRODUCT: 66 200-tablet bottles of vitamin B complex tablets at Seattle, Wash.

LABEL, IN PART: "10 Grain Tablets PYA Products' Natural Vitamin B Complex * * * Vitamin B₁ 3.0 mg. * * * Vitamin B₂ 6.0 mg."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁ and vitamin B₂, had been in part omitted.

Misbranding, Section 403 (a), the label statement "Vitamin B₁ 3.0 mg. * * * Vitamin B₂ 6.0 mg." was false and misleading since the product contained materially less than the declared amounts of vitamin B₁ and vitamin B₂.

DISPOSITION: April 13, 1950. Default decree of condemnation and destruction.

16098. Adulteration and misbranding of vitamin B complex tablets. U. S. v. 230,000 Tablets * * *. (F. D. C. No. 28840. Sample No. 42383-K.)

LIBEL FILED: February 13, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 26, 1949, by White Laboratories, Inc., Newark, N. J.

PRODUCT: 230,000 vitamin B complex tablets at Chicago, Ill. Examination showed that the product contained less than the declared amounts of thiamine, riboflavin, and nicotinic acid.

LABEL, IN PART: "B Complex Tablets Each tablet contains not less than 0.5 mg. Thiamine 0.5 mg. Riboflavin * * * 300.0 micrograms Nicotinic Acid."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine, riboflavin, and nicotinic acid, had been in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the label statement "Each tablet contains not less than 0.5 mg. Thiamine 0.5 mg. Riboflavin * * * 300.0 micrograms Nicotinic Acid" was false and misleading.

DISPOSITION: April 20, 1950. Default decree of condemnation and destruction.

16099. Adulteration and misbranding of ferrous sulfate tablets with vitamin B complex. U. S. v. 12 Drums * * *. (F. D. C. No. 28821. Sample No. 69042-K.)

LIBEL FILED: February 14, 1950, Western District of New York.

ALLEGED SHIPMENT: On or about November 25, 1949, from Oak Park, Mich.

PRODUCT: 12 drums each containing approximately 47,123 ferrous sulfate tablets with vitamin B complex at Buffalo, N. Y.

LABEL, IN PART: "Each tablet contains * * * Thiamine Hydrochloride (Vitamin B₁) 1.0 mg."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine hydrochloride (vitamin B₁), had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each tablet contains * * * Thiamine Hydrochloride (Vitamin B₁) 1.0 mg." was false and misleading since the product contained less than 1.0 mg. of thiamine hydrochloride.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: March 22, 1950. Guardian Drug Products, Inc., Detroit, Mich., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

16100. Adulteration and misbranding of Neo-Mineral. U. S. v. 115 Bottles * * *. (F. D. C. No. 28847. Sample No. 32560-K.)

LIBEL FILED: February 10, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about October 24, 1949, by the Trojanol Products Co., from Detroit, Mich.

PRODUCT: 115 3-ounce bottles of Neo-Mineral at San Mateo, Calif.

LABEL, IN PART: "Improved Formula Neo-Mineral * * * Two teaspoonfuls of this mineral extract will supply twice the minimum daily adult iron (Fe)

requirement. Minimum daily adult requirement, 10 mgm. * * * 3 Fluid Ounces Net."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, iron, had been in part omitted.

Misbranding, Section 403 (a), the label statement "Two teaspoonfuls of this mineral extract will supply twice the minimum daily adult iron (Fe) requirement" was false and misleading since the product contained not more than 9.5 milligrams of iron per two teaspoonfuls.

DISPOSITION: April 11, 1950. Default decree of condemnation and destruction.

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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

16101-16150

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *September 1, 1950.*

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BEVERAGES AND BEVERAGE MATERIALS

16101. Adulteration of canned cherry juice. U. S. v. 82 Cases * * *. (F. D. C. No. 28653. Sample No. 42877-K.)

LIBEL FILED: January 19, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 26, 1949, by Reynolds Bros., Inc., from Sturgeon Bay, Wis.

PRODUCT: 82 cases, each containing 24 12-ounce cans, of cherry juice at Chicago, Ill.

LABEL, IN PART: "Richelieu Cherry Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a)(3), the product consisted in whole or in part of a decomposed substance. (The product was made from cherries that were in part decomposed and moldy.)

DISPOSITION: April 20, 1950. Default decree of condemnation and destruction.

16102. Adulteration of tomato juice. U. S. v. 601 Cases, etc. (F. D. C. No. 28618. Sample Nos. 46354-K to 46356-K, incl.)

LIBEL FILED: January 3, 1950, Southern District of Illinois.

ALLEGED SHIPMENT: On or about October 26 and November 21, 1949, by Woodruff Canning Co., Inc., from Goldsmith, Ind.

PRODUCT: 725 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Galesburg, Ill.

LABEL, IN PART: "New Lancaster Brand Tomato Juice Packed By New Lancaster Canning Co., Elwood, Indiana" or "Wocco Brand Tomato Juice * * * Packed by Woodruff Canning Co., Inc., Goldsmith, Ind."

NATURE OF CHARGE: Adulteration, Section 402 (a)(3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 25, 1950. Default decree of condemnation and destruction.

16103. Adulteration of tomato juice. U. S. v. 441 Cases * * *. (F. D. C. No. 28879. Sample No. 59310-K.)

LIBEL FILED: March 8, 1950, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about January 25 and February 1, 1950, by the Airline Packing Co., from Edgerton, Ohio.

PRODUCT: 441 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Coldwater, Mich.

LABEL, IN PART: "Defiance Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a)(3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 12, 1950. Default decree of condemnation and destruction.

16104. Adulteration of tomato juice. U. S. v. 49 Cases * * *. (F. D. C. No. 28835. Sample No. 54469-K.)

LIBEL FILED: February 2, 1950, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about January 9, 1950, by G. L. Webster Co., Inc., from Cheriton, Va.

PRODUCT: 49 cases, each containing 72 6-ounce cans, of tomato juice at New Orleans, La.

LABEL, IN PART: "Webster's of Virginia Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product contained decomposed tomato material.)

DISPOSITION: March 7, 1950. Default decree of condemnation and destruction.

16105. Adulteration and misbranding of Major Fruit Punch (beverage base).

U. S. v. 28 Cases * * *. (F. D. C. No. 28907. Sample No. 71098-K.)

LIBEL FILED: On March 22, 1950, District of Nevada.

ALLEGED SHIPMENT: On or about July 21, 1949, by the Pacific Coast Major Cola Co., from Glendale, Calif.

PRODUCT: 28 cases, each containing 12 pint bottles, of Major Fruit Punch (beverage base) at Las Vegas, Nev. Analysis showed that the product was an artificially colored and artificially flavored punch base and that it contained little or no fruit juice.

LABEL, IN PART: "Major Fruit Punch."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a valuable constituent, fruit juice, had been omitted from the product.

Misbranding, Section 403 (a), the prominent label designation "Major Fruit Punch" and picture of fruits on the label were false and misleading since the product contained little or no fruit juice; and, Section 403 (c), the product was an imitation of another food, and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

DISPOSITION: May 2, 1950. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

16106. Adulteration of pies. U. S. v. Keathley Pie Co. and Maurice F. Keathley, Sr. Pleas of nolo contendere. Each defendant fined \$750. (F. D. C. No. 26750. Sample Nos. 60686-K to 60691-K, incl.)

INFORMATION FILED: February 16, 1950, Western District of Tennessee, against the Keathley Pie Co., a partnership, Memphis, Tenn., and Maurice F. Keathley, Sr., a partner.

ALLEGED SHIPMENT: On or about April 8 and 9, 1949, from the State of Tennessee into the State of Mississippi.

LABEL, IN PART: "Keathley's Quality Cocoanut Cream * * * Pies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product bore and contained a poisonous and deleterious substance which may have rendered the food injurious to health. (The product was contaminated with deleterious micro-organisms.)

Further adulteration, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have been rendered injurious to health.

DISPOSITION: April 13, 1950. Pleas of nolo contendere having been entered, the court fined each defendant \$750.

16107. Adulteration of bakery products. U. S. v. 9 Cases * * *. (F. D. C. No. 27902. Sample No. 33922-K.)

LABEL FILED: October 7, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about August 17, 1949, from Chicago, Ill., by the Bon Egg Biscuit Co.

PRODUCT: 9 cases, each containing 24 14-ounce cartons, of bakery products at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, rodent hairs and cat hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 20, 1950. Default decree of condemnation and destruction.

CORN MEAL

16108. Adulteration of corn meal. U. S. v. Brown Milling Co., William S. Brown, and Thomas H. Reid. Pleas of guilty. Fine, \$500. (F. D. C. No. 28199. Sample No. 52315-K.)

INFORMATION FILED: December 21, 1949, Middle District of Tennessee, against the Brown Milling Co., a partnership, Gallatin, Tenn., and William S. Brown and Thomas H. Reid, partners.

ALLEGED SHIPMENT: On or about August 6, 1949, from the State of Tennessee into the State of Kentucky.

LABEL, IN PART: "Master Maid Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of ants, larvae, insect fragments, rodent excreta fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 15, 1950. Pleas of guilty having been entered, the court imposed a fine of \$500, to be apportioned between the firm and the individual defendants.

16109. Adulteration of corn meal. U. S. v. Greene Milling Co. Plea of nolo contendere. Fine, \$75. (F. D. C. No. 28767. Sample Nos. 61544-K to 61546-K, incl.)

INFORMATION FILED: March 7, 1950, Western District of Arkansas, against the Greene Milling Co., a corporation, Siloam Springs, Ark.

ALLEGED SHIPMENT: on or about November 1, 1949, from the State of Arkansas into the State of Oklahoma.

LABEL, IN PART: "Hearts Desire White Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect parts, insect excreta, rodent pellet fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 24, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$75.

16110. Adulteration of corn meal. U. S. v. Nappanee Milling Co., Inc. **Plea of nolo contendere.** Fine of \$600, plus costs. (F. D. C. No. 28222. Sample Nos. 42898-K, 42899-K, 47154-K.)

INFORMATION FILED: February 14, 1950, Northern District of Indiana, against Nappanee Milling Co., Inc., Nappanee, Ind.

ALLEGED SHIPMENT: On or about May 25 and June 17 and 23, 1949, from the State of Indiana into the States of Michigan and Pennsylvania.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs.

DISPOSITION: May 4, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$600, plus costs.

FLOUR

16111. Adulteration of plain flour and self-rising flour. U. S. v. Lynchburg Milling Co., a corporation, and Thomas K. Scott and Stanton E. Aylor. **Pleas of nolo contendere.** Corporation fined \$200 and each individual defendant \$100. (F. D. C. No. 28208. Sample Nos. 2966-K to 2968-K, incl.)

INFORMATION FILED: March 1, 1950, Western District of Virginia, against the Lynchburg Milling Co., Lynchburg, Va., and Thomas K. Scott, president, and Stanton E. Aylor, vice president.

ALLEGED SHIPMENT: Between the approximate dates of August 8 and October 5, 1949, from the State of Virginia into the State of North Carolina.

LABEL, IN PART: "Golden Crown * * * Flour," "Dolly Madison * * * Flour," or "Dolly Madison * * * Flour * * * Self-Rising."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of larval head capsules, insect fragments, mites, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 9, 1950. Pleas of nolo contendere having been entered, the court fined the corporation \$200 and each individual defendant \$100.

16112. Adulteration of flour. U. S. v. 156 Bags * * *. (F. D. C. No. 28941. Sample No. 34681-K.)

LIBLE FILED: March 31, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about January 9, 1950, from Seattle, Wash.

PRODUCT: 156 100-pound bags of flour at Taft, Calif., in possession of the Taft Bakery.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 16, 1950. Default decree of condemnation and destruction.

16113. Adulteration of self-rising flour. U. S. v. 15 Bags, etc. (F. D. C. No. 28467. Sample Nos. 2975-K, 2976-K.)

LIBEL FILED: December 8, 1949, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about October 31, 1949, by Swoope Milling Co., Inc., from Swoope, Va.

PRODUCT: Self-rising flour. 15 50-pound bags, 50 25-pound bags, and 34 10-pound bags at Smithfield, N. C.

LABEL, IN PART: (Bag) "Victory Self-Rising Flour Enriched."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 18, 1950. Default decree of condemnation and destruction.

CONFECTIONERY

CANDY

16114. Adulteration of candy. U. S. v. 5 Boxes, etc. (F. D. C. No. 28726. Sample Nos. 70921-K, 70922-K, 70924-K, 70925-K, 70927-K, 70928-K.)

LIBEL FILED: February 24, 1950, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about November 23 and 30 and December 5 and 16, 1949, by the Sifers Candy Co., Iola, Kans.

PRODUCT: Candy. 5 boxes, each containing 22 pounds; 3 cases, each containing 24 10-ounce packages; 120 packages, each containing 8 ounces; and 58 boxes, each containing 24 1½-ounce bars, and 52 boxes, each containing 24 1¼-ounce bars, at Miami, Okla.

LABEL, IN PART: "Sifers Milk Chocolate Clusters," "Sifers Peanut Butter Krunchies," "Sifers Milk Chocolate Carmels," "Milk Chocolate Dreams," "Sifers Cocoanut Twins," or "Sifers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, rodent excreta, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 4, 1950. Default decree of condemnation and destruction.

16115. Adulteration of candy. U. S. v. 41 Boxes * * * (and 1 other seizure action). (F. D. C. No. 28937. Sample Nos. 15449-K, 15450-K.)

LIBELS FILED: April 3, 1950, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about September 16, 1949, and January 20 and 25, 1950, by Waldies Chocolate Co., Inc., from New York, N. Y.

PRODUCT: Candy. 41 boxes, each containing 24 $1\frac{1}{2}$ -ounce bars, and 42 boxes, each containing 24 $1\frac{1}{4}$ -ounce bars, at Detroit, Mich.

LABEL, IN PART: "Waldies Imitation Maple Walnut Marshmallow Chocolate Covered" or "Waldies Mint Patty."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of wood splinters.

DISPOSITION: May 12, 1950. Default decrees of condemnation and destruction.

16116. Misbranding of candy. U. S. v. 17 Cartons, etc. (F. D. C. No. 28971. Sample Nos. 68432-K, 68438-K, 68439-K.)

LIBEL FILED: April 18, 1950, Eastern District of Washington.

ALLEGED SHIPMENT: On or about February 15, 1950, by the Creston Candy Corp., from New York, N. Y.

PRODUCT: 36 cartons of candy at Yakima, Wash.

LABEL, IN PART: "Milk Chocolate Standing Rabbit [or "Jack Rabbit" or "Rooster"] Net Weight $3\frac{1}{4}$ Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The candy was short of the declared weight.)

DISPOSITION: May 22, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for children.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. **16117** and **16118**, and that was below the legal standard for milk fat content, Nos. **16119** and **16120**.

16117. Adulteration of butter. U. S. v. 8 Cartons (504 pounds) * * *. (F. D. C. No. 29005. Sample No. 56675-K.)

LIBEL FILED: October 21, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about October 5, 1949, by the Washington County Cooperative Creamery Co., from Linn, Kans.

PRODUCT: 8 63-pound cartons of butter at New York, N. Y. Analysis showed that the product was manufactured from decomposed cream.

LABEL, IN PART: "Butter Distributed by Breakstone Bros., Inc., N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 7, 1950. Default decree of condemnation. The court ordered that the product be denatured and sold for purposes of fat salvage.

16118. Adulteration of butter. U. S. v. 10 Cases, etc. (F. D. C. No. 28547. Sample No. 54284-K.)

LIBEL FILED: November 2, 1949, Western District of Louisiana.

ALLEGED SHIPMENT: On or about October 16, 1949, by Wilson & Co., from Altus, Okla.

PRODUCT: Butter. 10 cases, each containing 32 1-pound rolls, and 31 cases, each containing 12 1-pound prints in quarters, at Shreveport, La.

LABEL, IN PART: "Ol-Fashund Roll Finest Creamery Butter" or "Wilson's Clearbrook Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the roll butter consisted in whole or in part of a filthy animal substance and the print butter consisted in whole or in part of a decomposed animal substance. (A sample of the roll butter was found to contain insects, insect fragments, a rodent hair fragment, and a feather fragment; a sample of the print butter was found to contain mold.)

DISPOSITION: February 27, 1950. Default decree of condemnation and destruction.

16119. Adulteration of butter. U. S. v. 8 Packages (520 pounds) * * *. (F. D. C. No. 29006. Sample No. 64455-K.)

LIBEL FILED: December 28, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 22, 1949, by the Midwest Dairy Despatch, from Minneapolis, Minn.

PRODUCT: 8 65-pound packages of butter at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 11, 1950. C. W. Dunnet & Co., Philadelphia, Pa., having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking, under the supervision of the Food and Drug Administration.

16120. Adulteration and misbranding of butter. U. S. v. 37 Boxes (2,516 pounds) * * *. (F. D. C. No. 29007. Sample No. 75904-K.)

LIBEL FILED: On February 9, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about February 2, 1950, by the Strandquist Creamery, from Strandquist, Minn.

PRODUCT: 37 68-pound boxes of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed by Hunter, Walton & Co. New York N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), the article was labeled butter, which was false and misleading since the article contained less than 80 percent milk fat.

DISPOSITION: February 28, 1950. Hunter, Walton & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking, under the supervision of the Food and Drug Administration.

CHEESE

16121. Adulteration of Cheddar cheese. U. S. v. Floyd Hanson (Hanson Dairy Products Co.). Plea of guilty. Fine, \$200. (F. D. C. No. 28143. Sample No. 43305-K.)

INFORMATION FILED: March 17, 1950, Southern District of Illinois, against Floyd Hanson, trading as the Hanson Dairy Products Co., Petersburg, Ill.

ALLEGED VIOLATION: On or about October 31, 1947, the defendant gave to a firm engaged in the business of shipping cheese in interstate commerce at Dixon, Ill., a guaranty to the effect that all food products sold or delivered to the holder of the guaranty would be neither adulterated nor misbranded under the law; and on or about September 5, 1949, the defendant sold and delivered under the guaranty, at Petersburg, Ill., a quantity of Cheddar cheese that was adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and manure, and by reason of the use of filth-contaminated milk in its preparation.

DISPOSITION: April 17, 1950. A plea of guilty having been entered, the court fined the defendant \$200.

16122. Adulteration of cheese. U. S. v. 102 Pounds * * *. (F. D. C. No. 29047. Sample No. 63547-K.)

LIBEL FILED: April 10, 1950, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 10, 1949, by Thomas Pepitoni, from New York, N. Y.

PRODUCT: 102 pounds of cheese at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance and was otherwise unfit for food by reason of its objectionably bitter taste.

DISPOSITION: May 15, 1950. Default decree of condemnation and destruction.

FEEDS AND GRAINS

16123. Adulteration and misbranding of dehydrated alfalfa meal. U. S. v. 230 Bags * * *. (F. D. C. No. 28637. Sample No. 52890-K.)

LIBEL FILED: January 12, 1950, Southern District of Indiana.

ALLEGED SHIPMENT: On or about August 31, 1949, by Bremco Alfalfa Mills, Inc., from New Bremen, Ohio.

PRODUCT: 230 bags, each containing 100 pounds, of dehydrated alfalfa meal at Aurora, Ind.

LABEL, IN PART: "Bremco 20% Dehydrated Alfalfa Meal Guaranteed Analysis Crude Protein, not less than 20.0% * * * Crude Fiber, not more than 22.0%."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product consisting of 16 percent protein and 29 percent crude fiber alfalfa meal had been substituted in whole or in part for 20 percent protein and 22 percent crude fiber alfalfa meal.

Misbranding, Section 403 (a), the label statements "20% Dehydrated Alfalfa Meal Guaranteed Analysis Crude Protein, not less than 20.0% * * * Crude Fiber, not more than 22.0%" were false and misleading.

DISPOSITION: February 17, 1950. Bremco Alfalfa Mills, Inc., claimant, having admitted the allegations of the libel, the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

16124. Adulteration and misbranding of fish meal. U. S. v. 580 Bags * * *. (F. D. C. No. 28400. Sample No. 32543-K.)

LIBEL FILED: December 7, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about June 9, 1949, by the Herring Sales, Tacoma, Wash.

PRODUCT: 580 100-pound bags of fish meal at Santa Cruz, Calif.

LABEL, IN PART: "Fish Meal 60% Protein * * * Fibre, not more than 2.00% * * * Moisture Average 9.00% Distributed by Shelton and Cook, Inc. Seattle Portland."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), cottonseed meal and blood meal had been substituted in part for fish meal.

Misbranding, Section 403 (a), the label statements "Fish Meal * * * Fibre, not more than 2.00% * * * Moisture Average 9.00%" were false and misleading since the product contained cottonseed meal and blood meal and contained more than the stated amount of fiber and moisture.

DISPOSITION: March 15, 1950. Balfour, Guthrie & Co., Ltd., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

FISH AND SHELLFISH

16125. Adulteration of frozen sea trout. U. S. v. 734 Pounds * * *. (F. D. C. No. 28693. Sample Nos. 10351-K, 10354-K.)

LIBEL FILED: January 31, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about November 18, 1949, by the Hudgins Fish Co., West Palm Beach, Fla.

PRODUCT: 734 pounds of frozen sea trout at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: March 29, 1950. Default decree of condemnation and destruction.

16126. Adulteration of frozen whitefish. U. S. v. 2,299 Pounds * * *. (F. D. C. No. 28785. Sample No. 16308-K.)

LIBEL FILED: January 20, 1950, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about August 12, 1949, by McInnes Products, Ltd., from Grimshaw, Alberta, Canada.

PRODUCT: 2,299 pounds of frozen whitefish at Detroit, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: February 16, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as fertilizer.

16127. Adulteration and misbranding of oysters. U. S. v. 74 Pints * * *. (F. D. C. No. 28876. Sample No. 61389-K.)

LIBEL FILED: March 7, 1950, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about February 17, 1950, by W. E. Riggan & Co., from Crisfield, Md.

PRODUCT: 74 pints of oysters at Danville, Ill.

LABEL, IN PART: "Rig Co. Brand Salt Water Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its weight or bulk and reduce its quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters since it was not thoroughly drained, as required by the standard.

DISPOSITION: March 21, 1950. Default decree of condemnation and destruction.

16128. Misbranding of canned oysters. U. S. v. 39 Cases * * *. (F. D. C. No. 28717. Sample No. 47655-K.)

LIBEL FILED: February 21, 1950, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about March 7, 1949, by the Neuse Packing Co., from Morehead City, N. C.

PRODUCT: 39 cases, each containing 48 cans, of oysters at Norfolk, Va.

LABEL, IN PART: (Can) "Double Eagle Brand Oysters Drained Wt. 4 $\frac{2}{3}$ Oz."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Drained Wt. 4 $\frac{2}{3}$ Oz." was false and misleading since the product contained an average drained weight of 4.42 ounces; and, Section 403 (h) (2), the product failed to conform to the standard of fill of container for canned oysters since the container was not so filled that the drained weight of the oysters taken from each container was not less than 59 percent of the water capacity of the container, and its label failed to bear a statement that the product fell below such standard.

DISPOSITION: March 30, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution.

16129. Adulteration of canned shrimp. U. S. v. 39 Cases, etc. (F. D. C. No. 29021. Sample No. 80923-K.)

LIBEL FILED: March 22, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 10, 1950, by the Peer Foods Co., from New Orleans, La.

PRODUCT: 70 cases, each containing 48 5-ounce cans, of shrimp at Philadelphia, Pa.

LABEL, IN PART: (Can) "Our Special Brand Small [or "Medium"] Shrimp Wet Pack Drained Weight 5 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a)(3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: On March 24, 1950, the court ordered 39 cases of the "Small" shrimp released and the libel dismissed as to that lot. On April 17, 1950, the shipper of the product having authorized the condemnation and destruction of the remaining 31 cases, judgment of condemnation was entered and the court ordered that the lot be destroyed.

16130. Adulteration of canned shrimp. U. S. v. 26 Cases * * *. (F. D. C. No. 28784. Sample No. 52376-K.)

LIBEL FILED: January 23, 1950, Western District of Kentucky.

ALLEGED SHIPMENT: On or about December 9, 1949, by the Dorgan Packing Corp., Biloxi, Miss.

PRODUCT: 26 cases, each containing 48 5-ounce cans, of shrimp at Camp Campbell, Ky.

LABEL, IN PART: "Water Crest Wet Pack Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a)(3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: March 6, 1950. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES *

CANNED FRUIT

16131. Misbranding of canned peaches. U. S. v. 99 Cases * * *. (F. D. C. No. 28730. Sample No. 68724-K.)

LIBEL FILED: February 21, 1950, District of Rhode Island.

ALLEGED SHIPMENT: On or about January 19, 1950, by the Rogue River Packing Corp., from Medford, Oreg.

PRODUCT: 99 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Cranston, R.I.

LABEL, IN PART: (Can) "A&P Halved Yellow Freestone Peaches In Extra Heavy Syrup Home Style Elberta."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear as required by the regulations the name of the optional packing medium present since the label bore the statement "In Extra Heavy Syrup" and the product was packed in heavy sirup.

*See also No. 16101.

DISPOSITION: May 19, 1950. The Rogue River Packing Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

16132. Misbranding of canned pears. U. S. v. 247 Cases * * *. (F. D. C. No. 28815. Sample Nos. 34196-K, 54722-K.)

LIBEL FILED: January 25, 1950, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 25, 1949, by the Bercut-Richards Packing Co., from Sacramento, Calif.

PRODUCT: 247 cases, each containing 48 1-pound cans, of pears at New Orleans, La.

LABEL, IN PART: "Sacramento Brand Bartlett Pear Halves In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned pears since the pears failed to meet the test for tenderness prescribed in the standard and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: May 4, 1950. The Bercut-Richards Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

16133. Adulteration of canned black raspberries. U. S. v. 200 Cases * * *. (F. D. C. No. 28861. Sample No. 42625-K.)

LIBEL FILED: March 6, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 2, 1949, by Michigan Fruit Canners, Inc., from South Haven, Mich.

PRODUCT: 200 cases, each containing 6 6-pound, 6-ounce cans, of black raspberries at Chicago, Ill.

LABEL, IN PART: (Can) "Mt. Baker Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy berries.

DISPOSITION: May 18, 1950. Default decree of condemnation and destruction.

16134. Adulteration of canned black raspberries. U. S. v. 36 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 28418, 28610. Sample Nos. 46357-K, 47778-K.)

LIBELS FILED: On or about December 5, 1949, and January 3, 1950, Southern District of West Virginia and Southern District of Illinois.

ALLEGED SHIPMENT: On or about August 11 and November 22, 1949, by Michigan Fruit Canners, Inc., Benton Harbor, Mich.

PRODUCT: Black raspberries. 36 cases at Williamson, W. Va., and 118 cases at Galesburg, Ill. Each case contained 24 15-ounce cans.

LABEL, IN PART: "Bonny Lass Brand [or "Dolly Madison Brand"] Michigan Black Raspberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of (Galesburg lot) moldy berries and (Williamson lot) moldy and rotten berries.

DISPOSITION: May 8 and 10, 1950. No claimant having appeared for the Galesburg lot and the sole intervenor for the Williamson lot having withdrawn its claim, judgments of condemnation were entered and the court ordered that the Galesburg lot be destroyed and that the Williamson lot be delivered to a Federal institution, for use as livestock feed.

VEGETABLES

16135. Adulteration of black-eyed beans. U. S. v. 34 Bags * * *. (F. D. C. No. 29046. Sample No. 80947-K.)

LIBEL FILED: April 5, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 27, 1949, from San Francisco, Calif.

PRODUCT: 34 100-pound bags of black-eyed beans at Philadelphia, Pa., in possession of Penn Mutual Grocery Co., Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 10, 1950. Default decree of condemnation and destruction.

16136. Adulteration of dried lima beans. U. S. v. 302 Bags, etc. (F. D. C. No. 28706. Samples Nos. 48715-K, 48716-K.)

LIBEL FILED: February 3, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 3, 1949, from Modesto, Calif.

PRODUCT: 402 100-pound bags of dried lima beans at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous or deleterious substance, DDT, which is unsafe within the meaning of the law. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 10, 1950. Default decree of condemnation and destruction.

16137. Adulteration of celery. U. S. v. 404 Crates * * *. (F. D. C. No. 28791. Sample No. 42398-K.)

LIBEL FILED: On or about January 27, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 8, 1950, from Graves, Calif., by the Garin Co.

PRODUCT: 404 crates of celery at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softness, due to freezing.

DISPOSITION: January 31, 1950. No claimant having appeared, the court ordered the marshal to sell the fit portion and destroy the unfit portion, under the supervision of the Food and Drug Administration. The outer frost-damaged stalks were removed, which resulted in the salvage of 217 crates of celery as fit for food.

16138. Adulteration of canned corn. U. S. v. 415 Cases * * *. (F. D. C. No. 28882. Sample No. 65512-K.)

LIBLE FILED: March 15, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 18, 1950, by the Dorchester Canning Co., Evansville, Wis.

PRODUCT: 415 cases, each containing 48 No. 1 cans, of corn at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: May 9, 1950. Default decree of condemnation and destruction.

16139. Adulteration of canned corn. U. S. v. 177 Cases * * *. (F. D. C. No. 26509. Sample No. 42008-K.)

LIBLE FILED: February 18, 1949, Northern District of Illinois; amended libel filed January 25, 1950.

ALLEGED SHIPMENT: On or about October 1, 1948, from Plymouth, Ind.

PRODUCT: 177 cases, each containing 6 6-pound, 10-ounce cans, of corn at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the corn was decomposed.)

The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 3 and 4, 1950. The sole intervenor having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

16140. Misbranding of fresh mushrooms. U. S. v. Anna Persoglia. Plea of guilty. Fine, \$50. (F. D. C. No. 28760. Sample Nos. 13502-K, 48688-K.)

INFORMATION FILED: March 17, 1950, District of Delaware, against Anna Persoglia, Hockessin, Del.

ALLEGED SHIPMENT: On or about April 14 and November 22, 1949, from the State of Delaware into the State of New York.

LABEL, IN PART: (Baskets) "3 Lb. Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the baskets bore the statement "3 Lb. Net" but contained less than 3 pounds net.

DISPOSITION: May 4, 1950. A plea of guilty having been entered, the defendant was fined \$50.

16141. Adulteration of split peas. U. S. v. 284 Bags, etc. (F. D. C. No. 28471. Sample Nos. 10080-K, 10081-K.)

LIBLE FILED: December 8, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about October 22, 1948, and May 26, 1949, from Spokane, Wash.

PRODUCT: 284 25-pound bags and 50 100-pound bags of split peas at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 21, 1950. The Spokane Seed Co., Spokane, Wash., and L. N. White & Co., New York, N. Y., claimants for the respective lots, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond to be brought into compliance with the law by brushing, blowing, and cleaning, under the supervision of the Food and Drug Administration. Reconditioning operations resulted in the salvage of 12,079 pounds of the product. (A total of 12,281 pounds was seized.)

16142. Misbranding of canned peas. U. S. v. 1,350 Cases * * *. (F. D. C. No. 28872. Sample Nos. 60144-K, 60152-K.)

LIBEL FILED: March 7, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 17, 18, and 21, 1949, by Cambria Canning Corp., Inc., from Cambria, Wis.

PRODUCT: 1,350 cases, each containing 6 6-pound, 9-ounce cans, of peas at Chicago, Ill.

LABEL, IN PART: (Can) "Railton's Barco Brand."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for a smooth skin variety of peas since the alcohol-insoluble solids were more than 23.5% and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: May 8, 1950. Cambria Canning Corp., Inc., claimant, having admitted the allegation of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

16143. Misbranding of potatoes. U. S. v. 500 Bags, etc. (F. D. C. No. 28494. Sample Nos. 62937-K to 62939-K, incl.)

LIBEL FILED: December 22, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 28, 1949, from Woodstock, New Brunswick, Canada.

PRODUCT: 750 15-pound bags of potatoes at Warren, Mass. These potatoes were repacked by Ralph Petruzzi in second-hand bags bearing the names of Maine packers.

NATURE OF CHARGE: Misbranding, Section 403 (a), statements on the bags which represented and suggested that the potatoes were Maine-grown and had been packed by Maine firms, were false and misleading since the product had been grown in Canada and had been packed by Ralph Petruzzi of Warren, Mass.; and, Section 403 (e) (1), (200 bags) the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. The product was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: April 26, 1950. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS *

16144. Adulteration of canned tomatoes. U. S. v. 149 Cases * * *. (F. D. C. No. 28697. Sample No. 63219-K.)

LIBEL FILED: January 30, 1950, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 11, 1949, by the Orleans County Canning Co., from Albion, N. Y.

PRODUCT: 149 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Boston, Mass.

LABEL, IN PART: "Johnson's Bestovall Salt Free Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 8, 1950. Default decree of condemnation and destruction.

16145. Misbranding of canned tomatoes. U. S. v. 288 Cases, etc. (F. D. C. No. 28845. Sample Nos. 65504-K, 65505-K.)

LIBEL FILED: March 3, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about December 30, 1949, and January 4, 1950, by the Diegel Canning Co., Wapakoneta, Ohio.

PRODUCT: 387 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Chicago, Ill.

LABEL, IN PART: "Lady Clare [or "Oh Boy"] Brand * * * Red Ripe Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes since it contained added calcium salts, and its label failed to declare the presence of added calcium salts, as required by the definition and standard.

DISPOSITION: May 1, 1950. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

16146. Adulteration of tomato catsup. U. S. v. 126 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 28920, 28921. Sample Nos. 70947-K, 70951-K.)

LIBELS FILED: March 24, 1950, District of Kansas.

ALLEGED SHIPMENT: On or about February 9, 1950, by the Frazier Packing Corp., from Elwood, Ind.

PRODUCT: Tomato catsup. 126 cases at Wichita, Kans., and 65 cases at Arkansas City, Kans. Each case contained 24 14-ounce bottles.

LABEL, IN PART: "Sante Fe Hot Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 17, 1950. Default decrees of condemnation and destruction.

*See also Nos. 16102-16104.

16147. Misbranding of tomato puree. U. S. v. 36 Cases * * *. (F. D. C. No. 28939. Sample No. 54490-K.)

LIBEL FILED: April 5, 1950, Western District of Louisiana.

ALLEGED SHIPMENT: On or about June 27, 1949, by the Akin Products Co., Mission, Tex.

PRODUCT: 36 cases, each containing 100 4 $\frac{3}{4}$ -ounce cans, of tomato puree at Lake Charles, La.

LABEL, IN PART: "Val-Tex Brand Tomato Puree."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: May 15, 1950. Default decree of condemnation and destruction.

NUTS

16148. Adulteration of brazil nuts and cashew nuts. U. S. v. 450 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 28399, 28414. Sample Nos. 13998-K, 32549-K.)

LIBELS FILED: December 1 and 7, 1949, Middle District of Pennsylvania and Northern District of California.

ALLEGED SHIPMENT: On or about July 26 and November 15, 1949, by Wm. A. Higgins & Co., Inc., from New York, N.Y.

PRODUCT: 450 25-pound bags of brazil nuts at Forty Fort, Pa., and 42 25-pound tins of cashew nuts at San Francisco, Calif.

LABEL, IN PART: "Holly Extra Large Washed Brazil Nuts," "Shelled Cashew Nuts Packed by A. Thangalkunja Musaliar & Sons, Ltd., Quilon," "Packed By Shanmuk Havila Factory Quilon India," or "Packed By The Southern India Cashew Company Kunduras I. Blanched Cashew Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the brazil nuts consisted in whole or in part of a decomposed substance by reason of the presence of moldy, rancid, and otherwise decomposed brazil nuts, and the cashew nuts consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: December 29, 1949, and January 20, 1950. Wm. A. Higgins & Co., Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. Segregation operations resulted in the salvage of 10,686 pounds of brazil nuts and 964 pounds of cashew nuts. The unfit portion was denatured.

16149. Adulteration of pecans. U. S. v. 4 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 28630, 28631. Sample Nos. 43715-K, 72036-K.)

LIBELS FILED: January 6, 1950, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 10, 1949, by C. L. Ballard, from Luverne, Ala.

PRODUCT: Pecans. 4 bags containing 350 pounds at Cincinnati, Ohio, and 3 bags containing 150 pounds at Columbus, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed nuts, and it was otherwise unfit for food by reason of the presence of shriveled nuts and empty shells.

DISPOSITION: February 10 and 24, 1950. Default decrees of condemnation and destruction.

16150. Adulteration of walnut meats. U. S. v. 9 Cartons * * *. (F. D. C.
No. 28904. Sample No. 69309-K.)

LIBEL FILED: March 15, 1950, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 26 and September 14, 1949, from New York, N. Y.

PRODUCT: 9 25-pound cartons of walnut meats at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of rancid walnut meats. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 12, 1950. Default decree of condemnation and destruction.

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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

16151-16200

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *September 11, 1950.*

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CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

16151. Adulteration of bread, rolls, and Danish pastry. U. S. v. Alton Baking & Ice Cream Co. Plea of nolo contendere. Fine of \$400, plus costs. (F. D. C. No. 27488. Sample Nos. 45776-K to 45779-K, incl., 45785-K to 45789-K, incl.)

INFORMATION FILED: August 17, 1949, Southern District of Illinois, against the Alton Baking & Ice Cream Co., a corporation, Alton, Ill.

ALLEGED SHIPMENT: On or about March 23 and 24, 1949, from the State of Illinois into the State of Missouri.

LABEL, IN PART: "Betsy Ross Cracked Wheat [or "Whole Wheat," "Rye," "Enriched Fresh Sliced White," or "Potato"] Bread" and "Betsy Ross Enriched Sandwich Buns."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments, rodent hair fragments, larval and insect heads, and feather barbules; and, Section 402 (a) (4), the products had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 3, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$400, plus costs.

16152. Adulteration and misbranding of bread. U. S. v. Sunkist Baking Co., Inc. Plea of guilty to counts 2 and 4; plea of nolo contendere to counts 1, 3, and 5. Fine, \$500. (F. D. C. No. 27510. Sample Nos. 46147-K, 46149-K, 46152-K, 46153-K.)

INFORMATION FILED: September 15, 1949, Southern District of Illinois, against Sunkist Baking Co., Inc., Rock Island, Ill.

ALLEGED SHIPMENT: On or about April 18 and 19, 1949, from the State of Illinois into the State of Iowa.

LABEL, IN PART: "Banquet 'Culturized' Potato Bread," "Enriched Sunkist Oven Fresh Bread," or "Sunkist Whole Wheat Oven Fresh Bread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, larvae, beetle heads, larval head capsules, rodent hair fragments, and feather fragments; Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth; and, Section 402 (b) (1), (Banquet 'Culturized' Potato Bread and Enriched Sunkist Oven Fresh Bread) valuable constituents, thiamine, riboflavin, niacin, and iron, had been in part omitted.

Misbranding, Section 403 (a), the statements on the labels of the Banquet 'Culturized' Potato Bread and the Enriched Sunkist Oven Fresh Bread, namely, "One-half pound (about 8 slices) of this bread supplies you with at least the following amounts or percentages of your minimum daily requirements for these essential food substances: Thiamine (Vitamin B₁) 55%; Riboflavin (Vitamin B₂) 17.5%; Niacin (another "B" vitamin) 5 milligrams; Iron 40%," were false and misleading since one-half pound of such bread contained less than 55% of the minimum daily requirements of the body for thiamine (vitamin B₁), less than 17.5% of the minimum daily requirements of the body for ribo-

flavin (vitamin B₂), and less than 40% of the minimum daily requirements of the body for iron; and one-half pound of such bread contained less than 5 milligrams of niacin "another 'B' vitamin."

DISPOSITION: May 8, 1950. A plea of guilty having been entered to counts 2 and 4 and a plea of nolo contendere having been entered to counts 1, 3, and 5, the court imposed a fine of \$500.

16153. Adulteration of cracker meal. U. S. v. 142 Dozen Tubes, etc. (F. D. C. No. 28940. Sample No. 46798-K.)

LIBEL FILED: March 31, 1950, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 8, 1950, by Independent Biscuits, Inc., from Davenport, Iowa.

PRODUCT: Cracker meal. 142 dozen 5-ounce tubes and 136 dozen 10-ounce tubes at Sharpsburg, Pa.

LABEL, IN PART: "Independent Cracker Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 28, 1950. Default decree of condemnation and destruction.

16154. Adulteration of Parchetos (fried corn product). U. S. v. 23 Cases * * * (F. D. C. No. 28874. Sample No. 42630-K.)

LIBEL FILED: March 9, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 11, 1950, by Filler Products, Inc., from Atlanta, Ga.

PRODUCT: 23 cases, each containing 12 10-ounce jars, of Parchetos at Chicago, Ill.

LABEL, IN PART: "Filler's Taste Thrillers Parchetos."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: May 9, 1950. Default decree of condemnation and destruction.

FLOUR

16155. Adulteration of rice flour. U. S. v. 3 Bags * * * (and 1 other seizure action). (F. D. C. No. 27745. Sample Nos. 60542-K, 60543-K.)

LIBELS FILED: September 21 and 22, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 15, 1948, and May 18, 1949, from Hillsdale, Mich., and Sacramento, Calif.

PRODUCT: 7 bags of rice flour at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 18, 1950. Default decrees of condemnation and destruction.

16156. Adulteration of whole wheat flour. U. S. v. 39 Bags * * *. F. D. C.
No. 28856. Sample No. 48803-K.)

LABEL FILED: February 10, 1950, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 1, 1949, from Sheridan, Wyo.

PRODUCT: 39 100-pound bags of whole wheat flour at Scranton, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 5, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as hog feed.

16157. Adulteration and misbranding of enriched flour. U. S. v. Waggoner-Gates Milling Co. Plea of nolo contendere. Fine, \$59. (F. D. C. No. 28159. Sample Nos. 51698-K, 52808-K, 52809-K, 52824-K, 55821-K.)

INFORMATION FILED: April 14, 1950, Western District of Missouri, against the Waggoner-Gates Milling Co., a corporation, Independence, Mo.

ALLEGED SHIPMENT: On or about July 12, August 12 and 26, and September 6, 1949, from the State of Missouri into the States of Kentucky and Oklahoma.

LABEL, IN PART: "Queen of the Pantry Enriched [or "Enriched Self-Rising"] Flour * * * 8 ounces [or "Oz."] of enriched self-rising flour contain not less than the following proportions of the minimum daily requirements of Vitamin B₁ 100%, Riboflavin 30%, Iron 65%, Calcium 66%, and 8 mg. of Niacin."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents had been omitted in part from the articles. (All of the shipments were deficient in vitamin B₁, and, in addition, two of the shipments were deficient in riboflavin and one shipment was deficient in niacin.)

Misbranding, Section 403 (g) (1), the products failed to conform to the definition and standard of identity for enriched flour and enriched self-rising flour since they contained in each pound less than 2.0 milligrams of thiamine (vitamin B₁), (2 lots only) less than 1.2 milligrams of riboflavin, and (1 lot only) less than 16.0 milligrams of niacin. Further misbranding, Section 403 (a), the label statements "8 ounces * * * contain not less than the following proportions of the minimum daily requirements of Vitamin B₁ 100%, Riboflavin 30%, * * * and 8 Mg. of Niacin" were false and misleading since the products in all shipments contained, in 8 ounces, less than 100% of the minimum daily requirement for vitamin B₁; the product in two of the shipments contained, in 8 ounces, less than 30% of the minimum daily requirement for riboflavin; and the product in one of the shipments contained, in 8 ounces, less than 16.0 milligrams of niacin.

DISPOSITION: April 21, 1950. A plea of nolo contendere having been entered, the defendant was fined \$59.

MACARONI AND NOODLE PRODUCTS

16158. Adulteration of macaroni products. U. S. v. Luso-American Macaroni Mfg. Co. and Antonio J. Pereira. Pleas of guilty. Each defendant

fined \$50. (F. D. C. No. 28192. Sample Nos. 62635-K, 62637-K, 62638-K.)

INFORMATION FILED: April 18, 1950, District of Massachusetts, against the Luso-American Macaroni Mfg. Co., a partnership, Fall River, Mass., and Antonio J. Pereira, a partner.

ALLEGED SHIPMENT: Between the approximate dates of April 20 and July 21, 1949, from the State of Massachusetts into the State of Rhode Island.

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the products had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 2, 1950. Pleas of guilty having been entered, the court fined each defendant \$50.

16159. Adulteration of Chinese noodles and soy sauce. U. S. v. Northwest Mfg. Co., Inc., and Seiichi Yoshinaka and Kazuo Tsujimoto. Pleas of guilty. Corporation fined \$400; each individual defendant fined \$100 and placed on probation for two years. (F. D. C. No. 27532. Sample Nos. 50161-K, 50410-K.)

INFORMATION FILED: November 1, 1949, Western District of Washington, against Northwest Mfg. Co., Inc., Seattle, Wash., and Seiichi Yoshinaka, president and director, and Kazuo Tsujimoto, treasurer and director.

ALLEGED SHIPMENT: On or about January 20 and May 11, 1949, from the State of Washington into the States of Idaho and Oregon.

LABEL, IN PART: "Kushi Brand Noodles" and "Mission Brand Soy Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 15, 1950. Pleas of guilty having been entered, the court fined the corporation \$400 and each individual defendant \$100 on count 1. On count 2 involving the soy sauce, the charge was dismissed with respect to the corporation; sentence was deferred with respect to the individual defendants, and they were placed on probation for a period of 2 years.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. **16160** to **16164**, and that was below the legal standard for milk fat content, Nos. **16165** and **16166**,

16160. Adulteration of butter. U. S. v. The Tri-State Butter Co., a corporation, and Roy R. Bauer. Pleas of guilty. Corporation fined \$2,100; individual defendant fined \$700. (F. D. C. No. 28225. Sample Nos. 13631-K to 13633-K, incl., 46728-K, 47724-K, 47725-K, 52135-K.)

INFORMATION FILED: February 7, 1950, Southern District of Ohio, against the Tri-State Butter Co., Cincinnati, Ohio, and Roy R. Bauer, vice president of the corporation.

ALLEGED SHIPMENT: On or about July 8, 11, 12, 14, and 16, 1949, from the State of Ohio into the States of Pennsylvania, West Virginia, and Kentucky.

LABEL, IN PART: "Rich Pasture Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of adult insect heads, insect fragments, rodent hair fragments, ants, and fruit flies, and, in addition, the product consisted in part of a decomposed substance since it was made of decomposed cream, as evidenced by a high mold mycelia count; and, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 1, 1950. Pleas of guilty having been entered, the court fined the corporation \$2,100 and the individual defendant \$700.

16161. Adulteration of butter. U. S. v. Frank Pilley & Sons, Inc. Plea of nolo contendere. Fine of \$100, plus costs. (F. D. C. No. 28145. Sample No. 61144-K.)

INFORMATION FILED: On or about March 15, 1950, Western District of Missouri, against Frank Pilley & Sons, Inc., Springfield, Mo.

ALLEGED VIOLATION: On or about June 27, 1940, the defendant gave to a firm engaged in the business of shipping butter in interstate commerce at Springfield, Mo., a guaranty to the effect that all food products sold or delivered to the holder of the guaranty would be neither adulterated nor misbranded under the law. On or about July 22, 1949, the defendant sold and delivered, pursuant to the guaranty at Springfield, Mo., a quantity of butter that was adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and manure, and by reason of the use of filth-contaminated milk in the preparation of the article.

DISPOSITION: March 29, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$100, plus costs.

16162. Adulteration of butter. U. S. v. 28 cases * * * (and 1 other seizure action). (F. D. C. Nos. 29093, 29004. Sample Nos. 52661-K, 52662-K, 52981-K.)

LIBELS FILED: January 31 and February 1, 1950, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 16 and 23, 1950, by the Merchants Creamery Co., from Springfield, Mo.

PRODUCT: 27 63-pound cases and 28 64½-pound cases of butter at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (both lots) the product consisted in part of a decomposed substance since it was made from decomposed cream, as evidenced by a high mold mycelia count, and, in addition, (28 cases) the product consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, mites, and manure.

DISPOSITION: March 20, 1950. The Merchants Creamery Co., claimant for the 27 cases, having admitted the allegations of the libel, and no claimant having appeared for the remaining 28 cases, judgments of condemnation were entered. The 27 cases were ordered released under bond for conversion into butter oil, under the supervision of the Food and Drug Administration, and the 28 cases were ordered denatured and sold for use other than for human consumption.

16163. Adulteration of butter. U. S. v. 3,277 Pounds * * *. (F. D. C. No. 28546. Sample No. 43232-K.)

LIBEL FILED: November 4, 1949, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about October 18, 1949, by the Linwood Creamery Co., from Wichita, Kans.

PRODUCT: 3,277 pounds of butter at Detroit, Mich.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that this product had been made from decomposed cream.)

DISPOSITION: March 21, 1950. The Merchants Creamery Co., trading as the Linwood Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into butter oil, under the supervision of the Food and Drug Administration.

16164. Adulteration of butter. U. S. v. 208 Pounds, etc. (F. D. C. No. 28544. Sample Nos. 13631-K, 13632-K.)

LIBEL FILED: August 9, 1949, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 12 and 16, 1949, by the Tri-State Butter Co., Cincinnati, Ohio.

PRODUCT: 208 and 400 pounds of butter at Lebanon, Pa.

LABEL, IN PART: "Rich Pasture * * * Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of filthy and decomposed substances. (Analysis disclosed that the product contained adult insect heads, insect fragments, and rodent hair fragments, and that it had been made from decomposed cream, as evidenced by a high mold mycelia count.)

DISPOSITION: October 14, 1949. Default decree of condemnation and destruction.

16165. Adulteration of butter. U. S. v. Tripp Co-operative Creamery Co. Plea of guilty. Fine, \$25. (F. D. C. No. 28148. Sample No. 42178-K.)

INFORMATION FILED: March 16, 1950, District of South Dakota, against the Tripp Co-operative Creamery Co., a corporation, Tripp, S. Dak.

ALLEGED VIOLATION: On or about February 14, 1940, the defendant gave to a firm at Chicago, Ill., engaged in the business of shipping butter in interstate commerce, a guaranty to the effect that all food products sold or delivered to the holder of the guaranty would be neither adulterated nor misbranded under the law. On or about September 28, 1949, the defendant sold and delivered under the guaranty at Tripp, S. Dak., a quantity of butter that was adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the product; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: March 23, 1950. A plea of guilty having been entered, the defendant was fined \$25.

16166. Adulteration of butter. U. S. v. 22 Boxes (1,408 pounds) * * *. (F. D. C. No. 29106. Sample No. 75492-K.)

LIBEL FILED: March 23, 1950, District of Minnesota.

ALLEGED SHIPMENT: On or about March 13, 1950, by Land O'Lakes Creameries, Inc., from Valley City, N. Dak.

PRODUCT: 22 64-pound boxes of butter at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 24, 1950. The Edgeley Cooperative Creamery Co., Edgeley, N. Dak., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking under the supervision of the Federal Security Agency.

CHEESE

16167. Adulteration of Cheddar cheese. U. S. v. Hygrade Food Products Corp. and Gale A. Gisel. Pleas of nolo contendere. Corporation fined \$350, plus costs; individual defendant fined \$10. (F. D. C. 28205. Sample No. 56982-K.)

INFORMATION FILED: May 16, 1950, Northern District of Iowa, against the Hygrade Food Products Corp., Manchester, Iowa, and Gale A. Gisel, manager of the Manchester plant.

ALLEGED SHIPMENT: On or about August 3, 1949, from the State of Iowa into the State of New Jersey.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, fragments of cockroaches, flies and other insects, mites, feather fragments, manure, rust, soil, plant material, mold, metal, and wood particles; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 7, 1950. Pleas of nolo contendere having been entered, the court fined the corporation \$350, plus costs, and the individual defendant \$10.

16168. Adulteration of cheese. U. S. v. Charles Crivellaro, Sr., (Crivellaro & Sons). Plea of nolo contendere. Fine, \$25. (F. D. C. No. 27542. Sample No. 13479-K.)

INFORMATION FILED: November 30, 1949, Eastern District of Pennsylvania, against Charles Crivellaro, Sr., trading as Crivellaro & Sons at Easton, Pa.

ALLEGED SHIPMENT: On or about May 21, 1949, from the State of Pennsylvania into the State of New Jersey.

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the product had been prepared and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 3, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$25.

16169. Adulteration of cheese. U. S. v. Millard M. Wilson (Niobe Cheese Co.). Plea of guilty. Fine, \$750. (F. D. C. No. 28188. Sample Nos. 11959-K, 11960-K, 11975-K.)

INFORMATION FILED: December 15, 1949, Western District of New York, against Millard M. Wilson, trading as the Niobe Cheese Co., Niobe, N. Y.

ALLEGED SHIPMENT: On or about May 30 and June 7, 1949, from the State of New York into the State of New Jersey.

NATURE OF CHARGE: Adulteration, Section 402 (a) (4) the product had been prepared under insanitary conditions whereby it may have became contaminated with filth.

DISPOSITION: May 22, 1950. A plea of guilty having been entered, the court fined the defendant \$750.

FISH AND SHELLFISH

16170. Adulteration of frozen ocean perch fillets. U. S. v. Fabet Corp. and Thomas E. Harrington. Plea of guilty for corporation; plea of nolo contendere for individual. Corporation fined \$250; individual defendant fined \$50. (F. D. C. No. 28174. Sample Nos. 5913-K, 5914-K.)

INFORMATION FILED: March 24, 1950, District of Massachusetts, against the Fabet Corp., Gloucester, Mass., and Thomas E. Harrington, treasurer.

ALLEGED SHIPMENT: On or about March 11, 1949, from the State of Massachusetts into the State of Illinois.

LABEL, IN PART: "Tastyloins Frozen Ocean Perch Fillets Booth Fisheries Corp. Boston, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: May 31, 1950. A plea of guilty having been entered on behalf of the corporation and a plea of nolo contendere on behalf of the individual, the court fined the corporation \$250 and the individual defendant \$50.

16171. Adulteration of frozen ocean perch fillets. U. S. v. 52 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 28935, 28946. Sample Nos. 60374-K, 60375-K.)

LIBELS FILED: April 3 and 4, 1950, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 4 and 13, 1950, by the Slade Gorton Co., Gloucester, Mass.

PRODUCT: Frozen ocean perch fillets. 52 10-pound boxes at Lima, Ohio, and 186 10-pound boxes at Defiance, Ohio.

LABEL, IN PART: "Icybay."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: April 26 and May 1, 1950. Default decrees of condemnation and destruction.

16172. Adulteration of crab meat. U. S. v. Gerald M. Fulcher (Neuse Crab & Oyster Co. and Garland F. Fulcher Seafood Co.). Plea of guilty. Fine, \$100. (F. D. C. No. 28182. Sample Nos. 3295-K, 40195-K, 40198-K to 40200-K, incl., 40445-K.)

INFORMATION FILED: November 22, 1949, Eastern District of North Carolina, against Gerald M. Fulcher, trading as the Neuse Crab & Oyster Co. and the Garland F. Fulcher Seafood Co., at Oriental, N. C.

ALLEGED SHIPMENT: On or about June 21, 23, 28, and 29, 1949, from the State of North Carolina into the States of Maryland and Pennsylvania.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance, as evidenced by the presence of fecal *Escherichia coli*; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 17, 1950. A plea of guilty having been entered, the defendant was fined \$100.

16173. Adulteration of canned shrimp. U. S. v. 3,168 Cans * * *. (F. D. C. No. 28905. Sample No. 34648-K.)

LIBEL FILED: March 15, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about May 12, 1949, by the Cutcher Canning Co., from Westwego, La.

PRODUCT: 3,168 5-ounce cans of shrimp at Fresno, Calif.

LABEL, IN PART: (Can) "Shady River Brand Wet Pack Small Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: May 11, 1950. Default decree of condemnation. The court ordered that the product be delivered to a State agency, for use as fish food.

16174. Adulteration of canned shrimp. U. S. v. 21 Cases * * *. (F. D. C. No. 28911. Sample No. 34656-K.)

LIBEL FILED: March 20, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about February 6, 1950, from Biloxi, Miss. The product was shipped by the Deepsouth Packing Co. of New Orleans, La.

PRODUCT: 21 cases, each containing 24 5-ounce cans, of shrimp at Fresno, Calif.

LABEL, IN PART: (Can) "Shady River Brand Wet Pack Small Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: May 11, 1950. Default decree of condemnation. The court ordered that the product be delivered to a State agency, for use as fish food.

16175. Adulteration of frozen shrimp. U. S. v. 48 Boxes * * *. (F. D. C. Nos. 28885, 28886. Sample Nos. 67951-K, 67954-K.)

LIBEL FILED: March 6, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about November 25, 1949, by the Ocean Pride Sea Food Co., from Nogales, Ariz.

PRODUCT: 48 5-pound boxes of frozen shrimp at Denver, Colo.

LABEL, IN PART: "Frozen Fresh Shrimp * * * Packed for Louis Bilboa—Nogales, Ariz. Produce of Mexico."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed shrimp.)

DISPOSITION: May 26, 1950. A default decree of condemnation was entered, and the court ordered that the product be delivered to a Federal institution, for use as fertilizer.

FRUITS AND VEGETABLES**CANNED FRUIT**

16176. Misbranding of canned cherries. U. S. v. 49 Cases * * *. (F. D. C. No. 29023. Sample No. 50972-K.)

LIBLE FILED: March 29, 1950, District of Massachusetts.

ALLEGED SHIPMENT: On or about February 24, 1950, by Apple Growers Assn., from Hood River, Oreg.

PRODUCT: 49 cases, each containing 6 6-pound, 12-ounce cans, of cherries at Boston, Mass.

LABEL, IN PART: (Can) "Double G Brand * * * Royal Anne Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned cherries, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as the regulations require, the name of the optional cherry ingredient present in the article, namely, "light sweet," and the name of the optional packing medium present in the article, namely, "heavy sirup."

DISPOSITION: May 19, 1950. The G. Giovino Co., Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

16177. Adulteration of canned black raspberries. U. S. v. 343 Cases * * *. (F. D. C. No. 28928. Sample Nos. 42629-K, 59314-K.)

LIBLE FILED: March 28, 1950, Western District of Michigan.

ALLEGED SHIPMENT: On or about February 16, 1950, from Chicago, Ill. (This was a return shipment.)

PRODUCT: 343 cases, each containing 24 15-ounce cans, of black raspberries at Keeler, Mich.

LABEL, IN PART: (Can) "Cherry Valley Black Raspberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed the presence of moldy berries.)

DISPOSITION: May 10, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

16178. Adulteration of canned black raspberries. U. S. v. 84 Cases * * *. (F. D. C. No. 28922. Sample No. 42637-K.)

LIBLE FILED: March 29, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 27, 1950, by the Burnette Farms Packing Co., from Hartford, Mich.

PRODUCT: 84 cases, each containing 24 15-ounce cans, of black raspberries at Chicago, Ill.

LABEL, IN PART: (Can) "Cherry Valley Black Raspberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy berries.

DISPOSITION: May 9, 1950. Default decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

16179. Adulteration of celery. U. S. v. 401 Crates * * *. (F. D. C. No. 28843. Sample No. 55775-K.)

LIBEL FILED: February 7, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 25, 1950, by the Oceano Celery Distributors, from Oceano, Calif.

PRODUCT: 401 crates of celery at Kansas City, Mo.

LABEL, IN PART: "Tabb Brand Vegetables Packed and Shipped by H. E. Tabb Company Main Office Guadalupe California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softening, due to freezing.

DISPOSITION: February 7, 1950. The D'Angelo Celery House, Kansas City, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for salvaging of the fit portion, under the supervision of the Food and Drug Administration. The frost-damaged celery was segregated and destroyed, which resulted in the salvage of 268 crates which were fit for human consumption.

16180. Adulteration of celery. U. S. v. 334 Crates * * *. (F. D. C. No. 28781. Sample No. 49672-K.)

LIBEL FILED: January 19, 1950, District of Wyoming.

ALLEGED SHIPMENT: On or about January 10, 1950, by George Solari, from Stockton, Calif.

PRODUCT: 334 crates of celery at Cheyenne, Wyo.

LABEL, IN PART: "Solari's California Celery."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was discolored, pithy, and soft. (The condition of the celery was the result of freezing.)

DISPOSITION: February 4, 1950. The shipper having abandoned the product, judgment of condemnation was entered and the court ordered that the product be released to the common carrier to be brought into compliance with the law, under the supervision of the Food and Drug Administration, and sold at the earliest date to preserve it from further spoilage. It was further ordered by the court that the proceeds be paid into the court, to be held subject to payment of court costs and the claims of all interested parties. The salvage operations resulted in the segregation of 5,200 bunches of celery hearts, and the remainder of the product was used for hog feed.

16181. Adulteration of celery. U. S. v. 200 Crates * * *. (F. D. C. No. 28844. Sample No. 55773-K.)

LIBEL FILED: February 7, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 24, 1950, by the H. E. Tabb Co., Guadalupe, Calif.

PRODUCT: 200 crates of celery at Kansas City, Mo.

LABEL, IN PART: "Tabb Brand Vegetables."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softening, due to freezing.

DISPOSITION: February 8, 1950. The D'Angelo Celery House, Kansas City, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for salvaging of the fit portion, under the supervision of the Food and Drug Administration. Segregation operations resulted in the salvage of 117 crates of celery.

16182. Adulteration and misbranding of canned corn. U. S. v. 8 Cases * * *. (F. D. C. No. 28434. Sample No. 72085-K.)

LIBEL FILED: On or about December 15, 1949, Southern District of Indiana.

ALLEGED SHIPMENT: Between the approximate dates of February 10 and May 6, 1949, by Tom Corwin Canning Co., Inc., from Lebanon, Ohio.

PRODUCT: 8 cases, each containing 6 6-pound, 10-ounce cans, of corn at Indianapolis, Ind.

LABEL, IN PART: "Red Rose Cream Style Golden Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the standard of identity for canned cream style corn since it had not been processed by heat so as to prevent spoilage.

DISPOSITION: March 31, 1950. Default decree of forfeiture and destruction.

16183. Misbranding of canned mushrooms. U. S. v. 271 Casse * * *. (F. D. C. No. 28851. Sample No. 33468-K.)

LIBEL FILED: February 10, 1950; amended libel filed March 17, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about November 5 and 18 and December 20 and 23, 1949, by Concord Foods, Inc., Concordville, Pa.

PRODUCT: 271 cases, each containing 24 4-ounce cans, of mushrooms at San Francisco, Calif.

LABEL, IN PART: "Royal Treat Fancy Button Mushrooms."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Fancy" and the vignette depicting a dish of uniform bright colored mushrooms were false and misleading as applied to a product which contained discolored mushrooms.

DISPOSITION: May 18, 1950. Concord Foods, Inc., claimant, having consented to the entry of a decree, the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

16184. Adulteration of pickles, relish, and prepared mustard. U. S. v. Gibson Food Co., Ezra D. Gibson, and Henry C. Gibson. Pleas of guilty. Each defendant fined \$100, plus costs. (F. D. C. No. 28218. Sample Nos. 61528-K, 61529-K, 61531-K, 61532-K.)

INFORMATION FILED: February 8, 1950, Western District of Missouri, against the Gibson Food Co., a corporation, Springfield, Mo., and Ezra D. Gibson, president, and Henry C. Gibson, vice president.

ALLEGED SHIPMENT: On or about September 7 and October 11 and 18, 1949, from the State of Missouri into the State of Arkansas.

LABEL, IN PART: "Gibson's Sweet Relish [or "Sweet Pickles" or "Pure Mustard"]."."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the relish and pickles consisted in part of filthy substances by reason of the presence of (in the relish) flies and insect fragments and (in the pickles) flies, rodent hairs, insect fragments, and worm-eaten pickles.

Further adulteration, Section 402 (a) (4), the products had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 19, 1950. Pleas of guilty having been entered, the court fined each defendant \$100, plus costs.

TOMATOES AND TOMATO PRODUCTS

16185. Adulteration of canned tomatoes. U. S. v. 119 Cases * * *. (F. D. C. No. 29059. Sample No. 72431-K.)

LIBEL FILED: April 13, 1950, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about October 10, 1949, by the Dupont Canning Co., from Dupont, Ind.

PRODUCT: 119 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Manchester, Ky.

LABEL, IN PART: (Can) "Pride of Indiana * * * Dupont Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 5, 1950. Default decree of condemnation and destruction.

16186. Adulteration of canned tomatoes. U. S. v. 163 Cases * * *. (F. D. C. No. 27603. Sample No. 11545-K.)

LIBEL FILED: August 2, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about October 29, 1947, from a foreign country.

PRODUCT: 163 cases, each containing 24 2-pound, 4-ounce cans, of tomatoes at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product was decomposed.) The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 10, 1950. Default decree of condemnation and destruction.

16187. Adulteration of tomato puree. U. S. v. Blue River Packing Co. Plea of guilty. Fine, \$25. (F. D. C. No. 29150. Sample Nos. 41959-K, 52945-K.)

INFORMATION FILED: May 8, 1950, Southern District of Indiana, against the Blue River Packing Co., a corporation, Morristown, Ind.

ALLEGED SHIPMENT: On or about September 2 and October 10, 1949, from the State of Indiana into the States of Wisconsin and Ohio.

LABEL, IN PART: "Roundsy's White Label Tomato Puree Distributed By Roundsy, Peckham & Dexter Co. Milwaukee, Wis." and "Blue River * * * Fancy Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 19, 1950. A plea of guilty having been entered the court imposed a fine of \$25.

MEAT AND POULTRY

16188. Adulteration of frozen rabbits. U. S. v. 40 Baskets and Boxes * * *. (F. D. C. No. 28752. Sample No. 73105-K.)

LIBEL FILED: March 10, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about December 30, 1949, and January 6, 1950, by the Dean Hide Co., from Vermillion, S. Dak.

PRODUCT: 40 baskets and boxes of frozen rabbits at New York, N. Y. (There were 3,000 pounds of the product).

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fur and fecal matter.

DISPOSITION: April 28, 1950. Default decree of condemnation and destruction.

16189. Adulteration of dressed fowl. U. S. v. 7 Boxes * * *. (F. D. C. No. 28998. Sample No. 42071-K.)

LIBEL FILED: December 7, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 14, 1949, by Goodrich & Leas, Inc., from Cresco, Iowa.

PRODUCT: 7 60-pound boxes of dressed fowl at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, and it was otherwise unfit for food by reason of the presence of filthy and otherwise unfit birds; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: January 10, 1950. Default decree of condemnation and destruction.

16190. Misbranding of canned chicken tamales. U. S. v. 10 Cases * * *. (F. D. C. No. 28880. Sample No. 68666-K.)

LIBEL FILED: March 6, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about February 18, 1950, by the Truzzolino Food Products Co., from Butte, Mont.

PRODUCT: 10 cases, each containing 24 cans, of chicken tamales at Los Angeles, Calif.

LABEL, IN PART: "Truzzolino V T Brand Special Chicken Tamales, Net Contents 14 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the labeled 14 ounces.)

DISPOSITION: April 14, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

SPICES, FLAVORS, AND SEASONING MATERIALS*

16191. Adulteration of chili peppers. U. S. v. 42 Bags * * *. (F. D. C. No. 28906. Sample No. 71195-K.)

LIBEL FILED: March 14, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about January 16, 1950, by Howard Ames, from Douglas, Ariz.

PRODUCT: 42 115-pound bags of chili peppers at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy peppers.

DISPOSITION: April 6, 1950. Default decree of condemnation and destruction.

16192. Adulteration and misbranding of food flavors and food colors. U. S. v. 348 Bottles, etc. (F. D. C. No. 27596. Sample Nos. 46547-K to 46556-K, incl.)

LIBEL FILED: July 21, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 14, 22, and 27, 1948, and February 21 and April 11, 1949, by Keystone Sales, from Chicago, Ill.

PRODUCT: 156 bottles each containing 8 fluid ounces, and 17 bottles each containing 16 fluid ounces of vanilla flavor; 10 4-ounce bottles of lemon flavoring; 11 4-ounce bottles of almond flavoring; 1 1-gallon jug of lemon flavoring; 1 1-gallon jug of almond flavoring; 47 bottles each containing approximately 2.11 fluid ounces of yellow coloring; 18 bottles each containing approximately 2.11 fluid ounces of green coloring; 46 bottles each containing approximately 2.11 fluid ounces of red coloring; and 43 bottles each containing approximately 2.13 fluid ounces of blue coloring, at St. Louis, Mo.

With the exception of the gallon jugs of lemon and almond flavorings, the products had been repacked by the consignee, Wilford J. Roussan.

LABEL, IN PART: (Flavors, bottles) "Dovola Compound Vanilla Flavor [or "Pure Lemon Flavoring" or "Pure Almond"] The Dovola Co., Chicago, Ill."; (flavors, gallon jugs) "Lemon" or "Almond"; (colors, bottles) "Pure Food Coloring Yellow [or "Green," "Red," or "Blue"] Keystone Sales Chicago, Ill."

NATURE OF CHARGE: Flavors. Adulteration, Section 402 (b) (1), valuable constituents, vanilla, lemon, and almond, had been in whole or in part omitted from the respective products. Further adulteration, Section 402 (b) (4), (vanilla flavor only) artificial color and flavor had been added to the article and mixed and packed with it so as to make it appear better or of greater value than it was. (The vanilla flavor was an artificially colored and flavored solution containing little or no vanilla; the lemon flavors were colorless liquids containing an insignificant amount of oil of lemon; and the almond flavors were colorless liquids containing little or no almond oil.) Misbranding, Section 403 (a), the label statements "Vanilla Flavor," "Pure Lemon Flavoring," "Lemon," "Pure Almond," and "Almond" were false and misleading.

Colors. Adulteration, Section 402 (c), the products contained coal-tar colors other than ones from batches that had been certified.

*See also Nos. 16159, 16184.

Flavors (in gallon jugs), and colors. Misbranding, Section 403 (e) (2), the products failed to bear labels containing an accurate statement of the quantity of the contents.

DISPOSITION: August 17, 1949. Default decree of condemnation and destruction.

16193. Adulteration of dry malt extract and malted milk. U. S. v. Dextora Co.
Plea of guilty. Fine, \$250. (F. D. C. No. 28765. Sample Nos. 13630-K,
30215-K, 42846-K, 42922-K, 56621-K.)

INFORMATION FILED: On or about March 15, 1950, Southern District of Indiana, against the Dextora Co., a corporation, Indianapolis, Ind.

ALLEGED SHIPMENT: Between the approximate dates of May 28 and July 19, 1949, from the State of Indiana into the States of Pennsylvania, California, Illinois, and New York.

LABEL, IN PART: "Duffy's Dry Malt Extract Dextora Company," "Esco Maid Malted Milk Distributed by * * * Eng-Skell Company San Francisco Oakland Los Angeles," "Richelieu Malted Milk Distributed by Sprague Warner Chicago, Ill., "Malted Milk Gold Prize Dist. by Gold Prize Coffee Company Chicago," and "Wizard-Malted Milk Dextora Company."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the products had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 21, 1950. A plea of guilty having been entered, the defendant was fined \$250.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

16194. Misbranding of Improved Min-E-Vita. U. S. v. Helios Foods, Inc., and Harry H. Grahn (Min-E-Vita Products Co.). Pleas of guilty. Fine of \$250 against defendants jointly. (F. D. C. No. 25623. Sample Nos. 47745-H, 48261-H, 15932-K.)

INFORMATION FILED: January 16, 1950, Northern District of Illinois, against Harry H. Grahn, trading as the Min-E-Vita Products Co., Chicago, Ill., and against Helios Foods, Inc., Chicago, Ill., and Harry H. Grahn, president of the corporation.

ALLEGED SHIPMENT: On or about April 8, 1948, by Harry H. Grahn, trading as the Min-E-Vita Products Co., from the State of Illinois into the State of Michigan; and on or about September 25 and November 21, 1946, by Helios Foods, Inc., and Harry H. Grahn, president, from the State of Illinois into the State of Colorado.

LABEL, IN PART: "Improved Min-E-Vita A Unit Combination of Minerals and Vitamins * * * Contains * * * only the essential elements required in the normal human body. Calcium Potassium Phosphorus Aluminum Iron-Sodium Copper-Iodine Magnesium Manganese * * * Each Capsule Contains Not Less Than: Vitamin A —5000 U. S. P. Units Vitamin B₁ —333 U. S. P. Units Vitamin C —600 U. S. P. Units Vitamin D —500 U. S. P. Units Vitamin B₂-G —1000 Gammas—Riboflavin Vitamin E —2 Minims Wheat Germ Oil ——PLUS—— 10 Milligrams{Calcium Pantothenate * * *}."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the labeling of the article, including leaflets entitled "Persons Who Are Obese"

and "Reduce to Normal," booklets entitled "Min-E-Vita versus Obesity" and "Helios Formula Min-E-Vita a Valued Agent," and a letter addressed to the consignee of one of the shipments, were false and misleading. The statements represented and suggested that the article would be efficacious in the treatment of borderline anemia, cancer, graying of the hair, wrinkles, colds, hay fever, asthma, pimples, acne, eczema, hyperacidity, acidosis, arthritis, general debility, dysmenorrhea, insomnia, nervous disorders, waning sexual vigor, brittle nails, diabetes, high blood pressure, kidney disorders, heart disease, degenerative conditions, digestive disorders, and sick headache; that the article would insure buoyant health, intensive vitality, and a good complexion; that it would reduce weight to normal, maintain a positive nutritional balance, build resistance to disease, and prevent premature old age; and that the article, by reason of its content of potassium, aluminum, sodium, magnesium, and manganese, was of dietary significance. The article would not be efficacious for the purposes represented, and it had no dietary significance by reason of its content of potassium, aluminum, sodium, magnesium, and manganese.

Further misbranding, Section 403(j), the article purported to be and was represented for special dietary uses by man by reason of its vitamin properties in respect to vitamin A, vitamin B₁, vitamin C, vitamin D, vitamin B₂, vitamin E, and calcium pantothenate, and by reason of its mineral properties in respect to calcium, phosphorus, iron, and iodine; and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements for vitamin A, vitamin B₁, vitamin C, vitamin D, vitamin B₂, calcium, phosphorus, iron, and iodine, which would be supplied by the article when consumed in a specified quantity during a period of one day; and, further, the label failed also to bear, as required by the regulations, a statement that the need for vitamin E and calcium pantothenate in human nutrition has not been established.

Further misbranding Section 403(a), (portion of the article) the label statement "Each Capsule Contains Not Less Than: Vitamin B₁—333 U. S. P. Units Vitamin C —600 U. S. P. Units" was false and misleading since one shipment of the article contained, per capsule, smaller amounts of vitamins B₁ and C than declared.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices No. 3055.

DISPOSITION: March 22, 1950. Pleas of guilty having been entered, the court imposed a fine of \$250 against the defendants jointly.

16195. Adulteration and misbranding of vitamin B complex tablets. U. S. v. Elmer J. Dailey (Dailey Laboratories). Plea of not guilty. Tried to the jury. Verdict of guilty. Fine, \$1,000. Sentence of 4 months' imprisonment suspended and defendant placed on probation for 5 years. (F. D. C. No. 27504. Sample No. 40717-K.)

INFORMATION FILED: October 13, 1949, Southern District of California, against Elmer J. Dailey, trading as Dailey Laboratories, San Diego, Calif.

ALLEGED VIOLATION: On or about April 1, 1946, the defendant gave to a firm engaged in the business of shipping food in interstate commerce, at San Diego, Calif., a guaranty to the effect that all products shipped and delivered to the holder of the guaranty would be neither adulterated nor misbranded under the law. On or about April 1, 1949, while the guaranty was in effect, the

defendant delivered to the holder of the guaranty, at San Diego, Calif., a quantity of vitamin B complex tablets that were adulterated and misbranded.

LABEL, IN PART: "P Y A Products' Natural Vitamin B Complex In organic base 9 tablets daily will supply MDR Vitamin B₁ 3.0 mg. 300% Vitamin B₂ 6.0 mg. 300%."

NATURE OF CHARGE: Adulteration, Section 402(b)(1), valuable constituents of the article, vitamin B₁ and vitamin B₂, had been in part omitted and abstracted since 9 tablets of the article would not provide 3 milligrams of vitamin B₁ and 6 milligrams of vitamin B₂ as represented, but would provide smaller amounts of these constituents.

Misbranding, Section 403(a), the label statement "9 tablets * * * supply * * * Vitamin B₁ 3.0 mg. * * * Vitamin B₂ 6.0 mg." was false and misleading.

DISPOSITION: A plea of not guilty having been entered, the case came on for trial before the jury on April 18, 1950. At the conclusion of the trial on April 19, 1950, the jury returned a verdict of guilty. On April 24, 1950, the court imposed a fine of \$1,000 against the defendant and sentenced him to serve 4 months in prison. The execution of the prison sentence was suspended, and the defendant was placed on probation for a period of 5 years.

16196. Adulteration of vitamin capsules and vitamin tablets. U. S. v. 2 Cartons etc. (F. D. C. No. 28453. Sample Nos. 31652-K to 31661-K, incl., 31663-K to 31666-K, incl., 31668-K, 31670-K, 31672-K to 31677-K, incl.)

LABEL FILED: December 6, 1949, Southern District of California.

ALLEGED SHIPMENT: In August 1944, from Salt Lake City, Utah.

PRODUCT: 41,750 vitamin capsules and vitamin tablets at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin A, vitamin B₁, vitamin C, and vitamin D, had been in part omitted or abstracted from the vitamin capsules and the vitamin tablets. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 28, 1949. Default decree of condemnation and destruction.

16197. Adulteration and misbranding of Neo-Mineral. U. S. v. 132 Bottles * * *. (F. D. C. No. 28894. Sample No. 71292-K.)

LABEL FILED: March 16, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about October 24, 1949, by the Trojanol Products Co., Detroit, Mich.

PRODUCT: 132 3-fluid-ounce bottles of Neo-Mineral at Pasadena, Calif.

LABEL, IN PART: "Neo-Mineral * * * Two Teaspoonfuls Of This Mineral Extract Will Supply Twice The Minimum Daily Adult Iron (Fe) Requirement. Minimum Daily Adult Requirement, 10 MGM."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, iron, had been in part omitted from the product.

Misbranding, Section 403 (a), the label statement "Two Teaspoonfuls Of This Mineral Extract Will Supply Twice The Minimum Daily Adult Iron (Fe) Requirement" was false and misleading since the article contained not more than 12.2 milligrams of iron per two teaspoonfuls.

DISPOSITION: April 19, 1950. Default decree of condemnation and destruction.

MISCELLANEOUS FOODS*

16198. Adulteration of corn husks. U. S. v. 10,621 Pounds * * *. (F. D. C. No. 28820. Sample No. 33912-K.)

LIBEL FILED: January 27, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about August 4, 1949, from Manzanillo, Colima, Mexico.

PRODUCT: 10,621 pounds of corn husks at Stockton, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance. (Examination showed that the product was moldy and contained insects and rodent excreta.) The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 27, 1950. Default decree of condemnation and destruction.

16199. Adulteration of corn husks. U. S. v. 5 Bales * * *. (F. D. C. No. 28794. Sample No. 52777-K.)

LIBEL FILED: January 23, 1950, Southern District of Indiana.

ALLEGED SHIPMENT: On or about November 25 and December 2, 1949, by La Paloma Products, Stockton, Calif.

PRODUCT: 5 70-pound bales of corn husks at Indianapolis, Ind.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insects and mold.

DISPOSITION: February 27, 1950. Default decree of forfeiture and destruction.

16200. Adulteration of liquid color. U. S. v. 24 Bottles, etc. (F. D. C. No. 28834. Sample Nos. 34412-K to 34414-K, incl.)

LIBEL FILED: February 3, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about June 8 and 10 and November 3, 1949, by Richardson & Holland, Inc., from Seattle, Wash.

PRODUCT: 24 1-pint bottles and 8 1-quart bottles of liquid color at San Francisco, Calif.

LABEL, IN PART: "R&H Brand Liquid Color Egg Yellow Shade."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: April 11, 1950. Default decree of condemnation and destruction.

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¹ (16195) Prosecution contested.

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¹ (16195) Prosecution contested.

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Issued October 1950.

FEDERAL SECURITY AGENCY FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

16201-16250

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

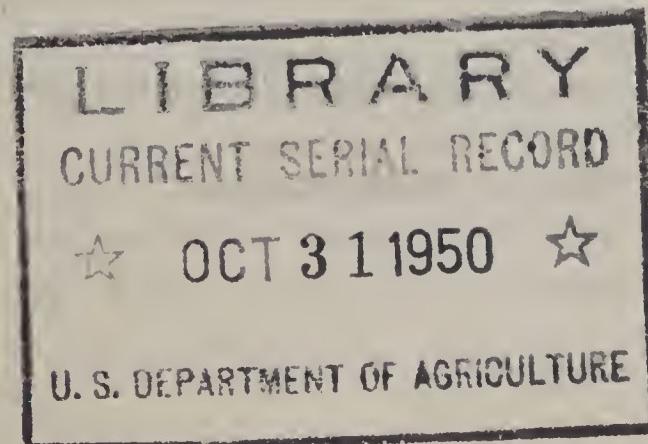
PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., September 22, 1950.

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CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

16201. Adulteration of bakery products. U. S. v. George Iacono (Bon Egg Biscuit Co.). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 28224. Sample Nos. 33922-K, 41868-K, 41869-K, 41871-K, 41872-K, 47194-K to 47196-K, incl., 47198-K.)

INFORMATION FILED: March 20, 1950, Northern District of Illinois, against George Iacono, trading as the Bon Egg Biscuit Co., Chicago, Ill.

ALLEGED SHIPMENT: On or about August 17, 29, and 30, and September 7, 1949, from the State of Illinois into the States of California, Michigan, and Ohio.

LABEL, IN PART: (Portion) "Sugared Taralli," "Anise," "Toscani," "Plain Taralli," "Margherita," "Saviardi," or "Paragini."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects, insect fragments, rodent hairs, and cat hairs; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 18, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$300.

16202. Adulteration of bread. U. S. v. The Home Stores, Inc., and Harry D. Adams. Pleas of nolo contendere. Corporation fined \$400; individual defendant fined \$100. (F. D. C. No. 26345. Sample Nos. 44499-K, 44500-K.)

INFORMATION FILED: February 28, 1949, Eastern District of Tennessee, against The Home Stores, Inc., Chattanooga, Tenn., and Harry D. Adams, treasurer and plant manager.

ALLEGED SHIPMENT: On or about October 26 and 28, 1948, from the State of Tennessee into the State of Georgia.

LABEL, IN PART: "Honeymoon Sliced Bread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 3, 1950. Pleas of nolo contendere having been entered, the court fined the corporation \$400 and the individual defendant \$100.

16203. Adulteration of Corn Chips. U. S. v. 32 Cases * * *. (F. D. C. No. 28666. Sample No. 68407-K.)

LABEL FILED: January 24, 1950, Western District of Washington.

ALLEGED SHIPMENT: On or about June 22 and August 2, 1949, by Filler Products, Inc., from Atlanta, Ga.

PRODUCT: 32 cases, each containing 12 5-ounce jars, of Corn Chips at Seattle, Wash.

LABEL, IN PART: "Filler's Taste Thrillers."

16203

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments.

DISPOSITION: May 25, 1950. Default decree of condemnation and destruction.

FLOUR

Nos. 16204 to 16207 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.) ✓

16204. Adulteration of flour. U. S. v. 18 Bags * * *. (F. D. C. No. 29025. Sample No. 63432-K.)

LIBEL FILED: March 29, 1950, District of Rhode Island.

ALLEGED SHIPMENT: On or about November 23, 1949, from Buffalo, N. Y.

PRODUCT: 18 100-pound bags of flour at Providence, R. I., in possession of the Silver Star Bakery.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 9, 1950. Default decree of condemnation and destruction.

16205. Adulteration of self-rising flour. U. S. v. 225 Bags * * *. (F. D. C. No. 29051. Sample No. 63893-K.)

LIBEL FILED: On or about April 15, 1950, Northern District of Georgia.

ALLEGED SHIPMENT: On or about January 19, 1950, from Claflin, Kans.

PRODUCT: 225 25-pound bags of self-rising flour at Mineral Bluff, Ga., in possession of Turner Brothers.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 5, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution for use as animal feed.

16206. Adulteration of self-rising flour. U. S. v. 144 Bags * * *. (F. D. C. No. 29049. Sample No. 63894-K.)

LIBEL FILED: April 7, 1950, Western District of North Carolina.

ALLEGED SHIPMENT: On or about February 1, 1950, from Winfield, Kans.

PRODUCT: 144 25-pound bags of self-rising flour at Andrews, N. C., in possession of the Chain Grocery Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 26, 1950. Default decree of condemnation and destruction.

16207. Adulteration of self-rising flour. U. S. v. 45 Bags, etc. (F. D. C. No. 29048. Sample Nos. 63891-K, 63892-K.)

LIBEL FILED: On or about April 15, 1950, Northern District of Georgia.

ALLEGED SHIPMENT: On or about March 10, 1950, from Chattanooga, Tenn.

PRODUCT: 45 50-pound bags and 39 25-pound bags of self-rising flour at Jasper, Ga., in possession of the Jasper Wholesale Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 5, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

16208. Adulteration of unpopped popcorn. U. S. v. Jules W. Bond (J. W. Bond). Plea of nolo contendere. Fine of \$800, plus costs. (F. D. C. No. 28168. Sample Nos. 1847-K, 43495-K, 47130-K, 51472-K.)

INFORMATION FILED: December 22, 1949, Western District of Kentucky, against Jules W. Bond, trading as J. W. Bond, Henderson, Ky.

ALLEGED SHIPMENT: On or about April 7 and May 20, 23, and 31, 1949, from the State of Kentucky into the States of Florida, Michigan, Pennsylvania, and Indiana.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments, rodent-gnawed grains, a moth, insects, insect fragments, larvae, and insect-damaged kernels; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 16, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$800, plus costs.

16209. Adulteration of rice. U. S. v. 36 Bags * * *. (F. D. C. No. 28970. Sample No. 68436-K.)

LIBEL FILED: April 17, 1950, Eastern District of Washington.

ALLEGED SHIPMENT: On or about October 26, 1949, from Abbeville, La.

PRODUCT: 36 100-pound bags of rice at Yakima, Wash., in possession of the National Grocery Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 22, 1950. Default decree of condemnation. The court ordered that the product be relabeled and sold for use other than for human consumption.

16210. Adulteration of puffed rice and puffed wheat. U. S. v. Checker Food Products Co. Plea of guilty. Fine, \$500. (F. D. C. No. 29151. Sample Nos. 52880-K, 52881-K.)

INFORMATION FILED: May 2, 1950, Eastern District of Missouri, against the Checker Food Products Co., a corporation, St. Louis, Mo.

ALLEGED SHIPMENT: On or about October 19, 1949, from the State of Missouri into the State of Ohio.

LABEL, IN PART: "Checker Ready to Eat Wheat Puffs [or "Rice Puffs"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the articles had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 26, 1950. A plea of guilty having been entered, the court imposed a fine of \$500.

CHOCOLATE AND RELATED PRODUCTS

CANDY

16211. Adulteration and misbranding of candy. U. S. v. Jacobs Candy Co. Richard M. Jacobs, and Frank H. Waggoner. Pleas of guilty. Joint fine of \$1,000. (F. D. C. No. 28756. Sample Nos. 1265-K, 1266-K, 1388-K, 1433-K, 1434-K, 2915-K, 51173-K, 63802-K.)

INFORMATION FILED: February 23, 1950, Middle District of Tennessee, against the Jacobs Candy Co., a partnership, Nashville, Tenn., and Richard M. Jacobs and Frank H. Waggoner, partners.

ALLEGED SHIPMENT: Between the approximate dates of March 7 and August 26, 1949, from the State of Tennessee into the States of South Carolina, Virginia, Kentucky, and North Carolina.

LABEL, IN PART: "Betty Bundle 2 oz. or over," "Mint The Big Five," "Cello Asst'd," or "Cello Mint."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments, rodent hairs, insect fragments, and a rodent excreta fragment; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (a), Betty Bundle candy. The label statement "2 oz. or over" was false and misleading since the packages contained less than 2 ounces; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 15, 1950. Pleas of guilty having been entered, the court imposed a joint fine of \$1,000.

16212. Adulteration of candy. U. S. v. Gilbert Candy Co. and George T. Gilbert and Orbon L. Gilbert. Pleas of guilty. Joint fine of \$100. (F. D. C. No. 28198. Sample Nos. 53455-K, 53456-K, 60696-K, 60697-K.)

INFORMATION FILED: December 19, 1949, Middle District of Tennessee, against the Gilbert Candy Co., a partnership, Nashville, Tenn., and George T. Gilbert, and Orbon L. Gilbert, partners.

ALLEGED SHIPMENT: On or about March 29 and 31 and April 1, 1949, from the State of Tennessee into the States of Alabama and Arkansas.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments, rodent excreta, and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 15, 1950. Pleas of guilty having been entered, the court imposed a fine of \$100 jointly against the defendants.

CHOCOLATE

16213. Adulteration and misbranding of chocolate. U. S. v. 4 Drums, etc.
(F. D. C. No. 29056. Sample No. 57536-K.)

LIBEL FILED: April 20, 1950, Eastern District of New York.

ALLEGED SHIPMENT: On or about January 23, 1950, by Blumenthal Brothers, from Philadelphia, Pa.

PRODUCT: 19 drums, each containing approximately 256 pounds, of chocolate at Brooklyn, N. Y.

LABEL, IN PART: "No. 1 Broken Choc."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 50 percent of cacao fat had been substituted for chocolate.

Misbranding, Section 403 (g) (1), the article purported to be and was represented as chocolate, a food for which a definition and standard of identity has been prescribed by regulations, and the article failed to conform to such definition and standard since it contained less than 50 percent by weight of cacao fat, the minimum permitted by the standard.

DISPOSITION: May 29, 1950. Blumenthal Brothers, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing, under the supervision of the Federal Security Agency. The reprocessing operations consisted in melting the chocolate, after which a quantity of cocoa butter was added to, and mixed with, the chocolate so as to bring it into compliance with the law.

16214. Adulteration of cocoa nibs. U. S. v. 44 Bags * * *. (F. D. C. No. 27846.
Sample No. 56630-K.)

LIBEL FILED: September 16, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about August 29, 1949, by Bayview Warehouse, Inc., from Jersey City, N. J.

PRODUCT: 44 bags, each containing 160 pounds, of cocoa nibs at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of wood splinters, stones, matted dirt, manure fragments, and other miscellaneous debris.

DISPOSITION: December 16, 1949. Philip Wincott, Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond. It was provided that the fatty portion of the cocoa nibs be extracted and used in the manufacture of soap; that

the nonfatty portion be mixed with water and lime and filtered to extract the theobromide from the resulting filtrate; and that the filter cake be processed and dried and used as fertilizer. The above reconditioning operations were under the supervision of the Federal Security Agency.

FISH AND SHELLFISH

16215. Adulteration and misbranding of frozen catfish fillets. U. S. v. 220 Cartons * * *. (F. D. C. No. 28927. Sample No. 43327-K.)

LIBEL FILED: April 7, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 9, 1949, by the Eardley Fish & Fillet Co., from Seattle, Wash.

PRODUCT: 220 cartons, each containing 6 5-pound packages, of frozen catfish fillets at Chicago, Ill.

LABEL, IN PART: "Catfish Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), codfish fillets had been substituted in whole or in part for catfish fillets.

Misbranding, Section 403 (a), the label designation "Catfish Fillets" was false and misleading.

DISPOSITION: May 1, 1950. Fast Frozen Foods, Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

16216. Adulteration of dried horse mackerel. U. S. v. 20 Cartons * * *. (F. D. C. No. 28988. Sample No. 57856-K.)

LIBEL FILED: April 20, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about March 14, 1950, by C. T. Yoshikane, from Kahului, Maui, T. H.

PRODUCT: 20 20-pound cartons of dried horse mackerel at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy fish.

DISPOSITION: May 15, 1950. Default decree of condemnation. The court ordered that the product be delivered to a State agency, for use as fish food.

16217. Adulteration of frozen perch fillets. U. S. v. 18 Cases * * *. (F. D. C. No. 28936. Sample No. 42978-K.)

LIBEL FILED: April 10, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 16, 1950, by the Rocky Bay Fishing Co., from Gloucester, Mass.

PRODUCT: 18 cases, each containing 12 1-pound packages, of frozen perch fillets at Chicago, Ill.

LABEL, IN PART: "Icybay Ocean Perch Fillets * * * Slade Gorton Co. Gloucester, Massachusetts Packers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: June 12, 1950. Default decree of condemnation and destruction.

16218. Adulteration of frozen rosefish fillets. U. S. v. Coastal Foods, Inc., and Daniel H. Clark. Pleas of nolo contendere. Each defendant fined \$250. (F. D. C. No. 28162. Sample Nos. 5222-K, 5224-K, 5227-K, 43659-K.)

INFORMATION FILED: October 25, 1949, District of Maine, against Coastal Foods, Inc., Stonington, Maine, and Daniel H. Clark, president.

ALLEGED SHIPMENT: On or about March 16 and 18, 1949, from the State of Maine into the States of Ohio and Illinois.

LABEL, IN PART: "Coastal Kitchen * * * Maine Rosefish."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: June 13, 1950. Pleas of nolo contendere having been entered, the court fined each defendant \$250.

16219. Adulteration of canned salmon. U. S. v. 457 Cases * * *. (F. D. C. No. 28455. Sample Nos. 63798-K, 63800-K.)

LIBEL FILED: December 1, 1949, Northern District of Georgia.

ALLEGED SHIPMENT: On or about September 21, 1949, by John P. Herber & Co., Inc., from Bellingham, Wash.

PRODUCT: 457 cases, each containing 48 1-pound cans, of salmon at Atlanta, Ga.

LABEL, IN PART: (Can) "Herberco Salmon."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: December 30, 1949. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the court ordered the product released under bond for the segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. 151 cases and 17 cans were destroyed.

16220. Adulteration of frozen shrimp. U. S. v. 50 Cartons, etc. (F. D. C. No. 28574. Sample No. 64519-K.)

LIBEL FILED: December 16, 1949, Northern District of Iowa.

ALLEGED SHIPMENT: On or about November 21, 1949, by the Roberts Fish & Seafood Co., from San Antonio, Tex.

PRODUCT: Frozen shrimp. 50 5-pound cartons and 75 cases, each case containing 10 5-pound cartons, at Spirit Lake, Iowa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: January 31, 1950. Stoller Fisheries, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was denatured and labeled for use as bait.

16221. Adulteration of frozen shrimp culls. U. S. v. 16 Cases * * *. (F. D. C. No. 28828. Sample No. 54699-K.)

LIBEL FILED: February 6, 1950, Western District of Louisiana.

ALLEGED SHIPMENT: On or about December 14, 1949, by D. J. (Dave) Pleason, Brownsville, Tex.

PRODUCT: 16 cases, each containing 10 5-pound cartons, of frozen shrimp culls at Abbeville, La.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed shrimp.)

DISPOSITION: June 12, 1950. Default decree of condemnation and destruction.

SEA FOOD PRODUCT

16222. Adulteration and misbranding of Shrimp Javettes. U. S. v. 5 Cases * * *. (F. D. C. No. 28588. Sample No. 33688-K.)

LIBEL FILED: December 30, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about November 14, 1949, by Jaeger, Potter & Taylor, from Portland, Oreg.

PRODUCT: 5 cases, each containing 48 2-ounce packages, of Shrimp Javettes at Yuba City, Calif.

LABEL, IN PART: "Chips by Vette Shrimp Javettes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial color had been added to the product and mixed and packed with it so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the name "Shrimp Javettes" was false and misleading since the product contained an insignificant amount of shrimp; and, Section 403 (k), the product contained artificial coloring and failed to bear labeling stating that fact. (Examination showed that the article was artificially colored cereal chips containing an insignificant amount of shrimp.)

DISPOSITION: May 19, 1950. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

16223. Adulteration of canned black raspberries. U. S. v. 7 Cases * * *. (F. D. C. No. 28888. Sample No. 68660-K.)

LIBEL FILED: On or about March 14, 1950, District of Montana.

ALLEGED SHIPMENT: On or about October 27, 1949, by Michigan Fruit Canners, Inc., from Benton Harbor, Mich.

PRODUCT: 7 cases, each containing 48 8-ounce cans, of black raspberries at Billings, Mont.

LABEL, IN PART: "Thank You Brand Michigan Black Raspberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy berries.

DISPOSITION: June 8, 1950. Default decree of condemnation and destruction.

16224. Adulteration of canned black raspberries and red raspberries. U. S. v. 329 Cases * * *. (F. D. C. No. 28496. Sample Nos. 48614-K, 48864-K.)

LIBEL FILED: December 22, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 30, 1949, by Brocton Preserving Co., Inc., from Brocton, N. Y.

PRODUCT: 329 cases, each containing 24 1-pound, 4-ounce cans, of black raspberries and red raspberries, at Philadelphia, Pa.

LABEL, IN PART: (Can) "Brocton Brand In Heavy Syrup * * * Fancy Black [or "Fancy Columbian Red"] Raspberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy berries.

DISPOSITION: March 24, 1950. Brocton Preserving Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the unfit portion be segregated and destroyed, under the supervision of the Food and Drug Administration. A total of 467 cases were seized, and, of these, 174 cases and 79 cans were destroyed.

FROZEN FRUIT

16225. Adulteration of frozen strawberries. U. S. v. 143 Barrels * * *. (F. D. C. No. 28050. Sample Nos. 11991-K, 50264-K.)

LIBEL FILED: October 14, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about August 30, 1949, by the Quaker Maid Co., from Everett, Wash.

PRODUCT: 143 barrels of frozen strawberries at Brooklyn, N. Y.

LABEL, IN PART: (Barrel) "National Fruit Canning Co. * * * 4 + 1 Cold Process Marshall Strawberries * * * Net 420."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed berries.

DISPOSITION: December 6, 1949. National Fruit Canning Co., Inc., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the fit from the unfit portion, under the supervision of the Food and Drug administration. Segregation operations resulted in the destruction of 31 barrels of unfit strawberries.

16226. Adulteration of frozen strawberries. U. S. v. 100 Cases * * *. (F. D. C. No. 27874. Sample No. 1496-K.)

LIBEL FILED: September 21, 1949, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about July 23, 1949, by the Sunshine Packing Corp., from North East, Pa.

PRODUCT: 100 cases, each containing 4 10-pound cans, of frozen strawberries at Greensboro, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination disclosed the presence of decomposed berries.)

DISPOSITION: November 14, 1949. Default decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

16227. Adulteration of celery. U. S. v. 896 Crates * * *. (F. D. C. No. 28812.
Sample Nos. 49674-K, 75431-K.)

LIBEL FILED: January 24, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about January 13 and 14, 1950, by A. Shrier & Sons Co., from Jasmin, Calif.

PRODUCT: 896 crates of celery at Denver, Colo.

LABEL, IN PART: "Good Morning Brand Vegetable."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softness, due to freezing.

DISPOSITION: March 22, 1950. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be sold to C. H. Robinson Co., Denver, Colo., conditioned that the celery be reprocessed so that it would be fit for human consumption, under the supervision of the Food and Drug Administration. The frost-damaged outer stalks were removed, resulting in the salvage of 341 crates of celery hearts.

16228. Adulteration of celery. U. S. v. 400 Crates * * *. (F. D. C. No. 28780.
Sample No. 64530-K.)

LIBEL FILED: On or about January 23, 1950, District of Minnesota.

ALLEGED SHIPMENT: On or about January 6, 1950, by the Salinas Celery Distributors, from Salinas, Calif.

PRODUCT: 400 crates of celery at Minneapolis, Minn.

LABEL, IN PART: "SCD Brand Selected Vegetables."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softness, due to freezing.

DISPOSITION: February 17, 1950. Default decree of condemnation. The court ordered that the product be disposed of in compliance with the law. The product was purchased by a local firm, and all unfit stalks were removed under the supervision of the Food and Drug Administration, leaving only sound celery and celery hearts.

16229. Adulteration of celery. U. S. v. 504 Crates * * *. (F. D. C. No. 28806.
Sample No. 68727-K.)

LIBEL FILED: January 23, 1950, District of Oregon.

ALLEGED SHIPMENT: On or about January 10, 1950, by the Salinas Valley Vegetable Exchange, from Salinas, Calif.

PRODUCT: 504 crates of celery at Portland, Oreg.

LABEL, IN PART: "Pebble Beach Celery."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softness, due to freezing.

DISPOSITION: February 28, 1950. Default decree of condemnation and destruction.

16230. Adulteration of celery. U. S. v. 464 Crates * * *. (F. D. C. No. 28807.
Sample No. 48880-K.)

LIBEL FILED: January 23, 1950, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 9, 1950, by M. Lapidus & Son, from Chicago, Ill.

PRODUCT: 464 crates of celery at Sunbury, Pa.

LABEL, IN PART: "Toppy Brand Selected Vegetables * * * Growers and Shippers Christensen Brothers * * * Salinas, California."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softness, due to freezing.

DISPOSITION: February 20, 1950. Default decree of condemnation. The court ordered that the product be destroyed, or, in lieu of destruction, that it be delivered to charitable institutions for salvage of the fit portion and disposal of the remainder for use as animal feed. Accordingly, the marshal delivered the celery to various charitable institutions for utilization in accordance with the provisions of the decree.

16231. Adulteration of celery. U. S. v. 404 Crates * * *. (F. D. C. No. 28786.
Sample No. 68830-K.)

LIBEL FILED: January 19, 1950, Western District of Washington.

ALLEGED SHIPMENT: On or about January 9, 1950, by the J. C. Herring Co., from Cutler, Calif.

PRODUCT: 404 crates of celery at Seattle, Wash.

LABEL, IN PART: "California Vegetables Full O' Flavor Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softness, due to freezing.

DISPOSITION: February 14, 1950. Default decree of condemnation and destruction.

16232. Adulteration of celery. U. S. v. 373 Crates * * *. (F. D. C. No. 28782.
Sample No. 68721-K.)

LIBEL FILED: January 18, 1950, District of Oregon.

ALLEGED SHIPMENT: On or about January 3, 1950, by the Golden West Packing Co., from Cutler, Calif.

PRODUCT: 373 crates of celery at Portland, Oreg.

LABEL, IN PART: "Finest Quality Osborne Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its discoloration, pithiness, and softness, due to freezing.

DISPOSITION: February 21, 1950. Default decree of condemnation and destruction.

16233. Adulteration of corn husks. U. S. v. 4 Bales * * *. (F. D. C. No. 28795.
Sample No. 50548-K.)

LIBEL FILED: January 27, 1950, District of Oregon.

ALLEGED SHIPMENT: On or about October 26, 1949, by Y. Torres, Stockton, Calif.

PRODUCT: 4 50-pound bales of corn husks at Ashland, Oreg.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: May 2, 1950. Default decree of condemnation and destruction.

16234. Adulteration of corn husks. U. S. v. 4 Bales * * *. (F. D. C. No. 28944. Sample No. 49593-K.)

LIBLE FILED: April 4, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about November 15, 1949, by Gonzales & Valdes, from San Antonio, Tex.

PRODUCT: 4 bales, each containing 25 pounds, of corn husks at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: May 17, 1950. Default decree of condemnation and destruction.

16235. Adulteration of corn husks. U. S. v. 3 Cases * * *. (F D. C. No. 28628. Sample No. 68805-K.)

LIBLE FILED: January 11, 1950, Western District of Washington.

ALLEGED SHIPMENT: On or about November 17, 1949, by William N. Crawford, from Stockton, Calif.

PRODUCT: 3 cases, each containing 45 pounds, of corn husks at Seattle, Wash.

LABEL, IN PART: "Xlnt Select Grade Corn Husks * * * Xlnt Food Products, Inc., Los Angeles, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect excreta.

DISPOSITION: May 25, 1950. Default decree of condemnation and destruction.

16236. Adulteration and misbranding of canned mustard greens and misbranding of canned spinach. U. S. v. Hoyt Meyer (Meyer Canning Co.). Plea of guilty. Fine, \$400. (F. D. C. No. 28185. Sample Nos. 23679-K, 42036-K, 42037-K, 45569-K, 51421-K, 51422-K, 62155-K.)

INFORMATION FILED: January 5, 1950, Southern District of Texas, against Hoyt Meyer, trading as the Meyer Canning Co., at Edinburg, Tex.

ALLEGED SHIPMENT: On or about January 6 and 15 and February 1, 15, and 22, 1949, from the State of Texas into the States of Indiana, Arkansas, Massachusetts, and Louisiana.

LABEL, IN PART: "Gold Inn Spinach * * * Packed by Meyer Canning Co.," "Glendale Brand Spinach Clover Farm Stores Corporation Distributors, Cleveland, Ohio," and "Patsy's Party Mustard Greens * * * Packed for Distributors Co. New Iberia, La."

NATURE OF CHARGE: Mustard Greens. Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects.

Mustard greens and spinach. Misbranding, Section 403 (g) (1), the products failed to conform to the definition and standard of identity for such products since they had not been so processed by heat as to prevent spoilage.

DISPOSITION: May 8, 1950. A plea of guilty having been entered, the court fined the defendant \$400.

TOMATOES

16237. Adulteration of canned tomatoes. U. S. v. 675 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 28498, 28690. Sample Nos. 48673-K, 48772-K.)

LIBELS FILED: December 23, 1949, and January 24, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 16, 1949, and January 10, 1950, by the Willow Grove Canning Co., from Vineland, N. J.

PRODUCT: 1,225 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Philadelphia, Pa.

LABEL, IN PART: "Ideal Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material, and, in addition, 675 cases consisted in whole or in part of a filthy substance by reason of the presence of flies and maggots.

DISPOSITION: June 13, 1950. Default decrees of condemnation and destruction.

16238. Adulteration of canned tomatoes. U. S. v. 349 Cases * * *. (F. D. C. No. 28573. Sample No. 62951-K.)

LIBEL FILED: December 15, 1949, District of Vermont.

ALLEGED SHIPMENT: On or about November 4, 1949, by J. Richard Phillips, Jr., & Sons, Inc., Wyoming, Del.

PRODUCT: 349 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at White River Junction, Hartford, Vt.

LABEL, IN PART: "Hurricane Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: March 24, 1950. Default decree of forfeiture and destruction.

16239. Adulteration of canned crushed tomatoes. U. S. v. 98 Cases * * *. (F. D. C. No. 29045. Sample No. 74227-K.)

LIBEL FILED: April 7, 1950, Eastern District of New York.

ALLEGED SHIPMENT: On or about August 29, 1949, by the Violet Packing Co., from Williamstown, N. J.

PRODUCT: 98 cases, each containing 6 6-pound, 6-ounce cans, of crushed tomatoes at Brooklyn, N. Y.

LABEL, IN PART: (Can) "Violet Brand Crushed Tomatoes For Pizza Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 31, 1950. Default decree of condemnation and destruction.

MEAT AND POULTRY

16240. Adulteration and misbranding of tenderloin (meat). U. S. v. 142 Cases * * *. (F. D. C. No. 28924. Sample No. 59315-K.)

LIBEL FILED: March 28, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 6, 1950, by Western Plaines Horse Meat, from South Bend, Ind.

PRODUCT: 142 cases, containing a total of 12,036 pounds, of tenderloin at Chicago, Ill.

LABEL, IN PART: "Tender Loin."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), horse meat had been substituted for beef tenderloin.

Misbranding, Section 403 (a), the label designation "Tender Loin" was misleading since tenderloin usually refers to beef or pork and not horse meat; Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (i) (1), its label failed to bear the common or usual name of the food.

DISPOSITION: May 5, 1950. Default decree of condemnation and destruction.

16241. Adulteration and misbranding of frozen tenderloin (meat). U. S. v. 3,217 Pounds * * *. (F. D. C. No. 29030. Sample No. 1748-K.)

LIBEL FILED: March 29, 1950, Southern District of Florida.

ALLEGED SHIPMENT: On or about March 2, 1950, by Meyer Gilgus, from Dallas, Tex.

PRODUCT: 3,217 pounds of frozen tenderloin at Tampa, Fla.

LABEL, IN PART: "Tender-Loin."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), horse meat had been substituted for beef tenderloin, which the product was represented to be.

Misbranding, Section 403 (a), the label designation "Tender-Loin" was misleading as applied to horse meat since tenderloin usually refers to beef or pork and not horse meat; Section 403 (b), the product was offered for sale under the name of another food, namely, beef tenderloin; and, Section 403 (i) (1), its label failed to bear the common or usual name of the food.

DISPOSITION: May 8, 1950. Default decree of condemnation and destruction.

16242. Adulteration of dressed rabbits. U. S. v. Ray Bouldin (Ray Bouldin & Son). Plea of nolo contendere. Fine, \$25. (F. D. C. No. 29153. Sample No. 54511-K.)

INFORMATION FILED: April 28, 1950, Western District of Missouri, against Ray Bouldin, trading as Ray Bouldin & Son, Fordland, Mo.

ALLEGED SHIPMENT: On or about January 15, 1950, from the State of Missouri into the State of Alabama.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fecal matter and improperly cleaned rabbits, and of a decomposed substance by reason of the presence of decomposed rabbits.

DISPOSITION: May 25, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$25.

16243. Adulteration of frozen dressed rabbits. U. S. v. 32 Crates * * *. (F. D. C. No. 29029. Sample No. 73106-K.)

LIBEL FILED: March 30, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about December 27, 1949, by J. W. Bailey, from Zenda, Kans.

PRODUCT: 32 crates, each containing 72 pounds, of frozen dressed rabbits at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rabbits which were contaminated with fur; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: April 26, 1950. Default decree of condemnation and destruction.

16244. Adulteration of frozen dressed poultry. U. S. v. Tracy Produce Co., Inc.
Plea of guilty. Fine, \$300. (F. D. C. No. 28195. Sample No. 42067-K.)

INFORMATION FILED: January 6, 1950, District of Minnesota, against Tracy Produce Co., Inc., Tracy, Minn.

ALLEGED SHIPMENT: On or about September 22, 1949, from the State of Minnesota into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the food was in part the product of a diseased animal.

DISPOSITION: June 6, 1950. A plea of guilty having been entered, the court fined the defendant \$300.

NUTS

16245. Adulteration of brazil nuts. U. S. v. 50 Bags * * *. (F. D. C. No. 28338. Sample No. 46754-K.)

LIBEL FILED: November 10, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 27, 1949, by Wm. A. Higgins & Co., Inc., from New York, N. Y.

PRODUCT: 50 50-pound bags of brazil nuts at Pittsburgh, Pa.

LABEL, IN PART: "Sun-Glo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy nuts.

DISPOSITION: November 30, 1949. Wm. A. Higgins & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. 117 pounds of the product were destroyed as a result of the segregation operations.

16246. Adulteration of cashew nuts. U. S. v. 497 Cases, etc. (F. D. C. No. 28445. Sample Nos. 58249-K, 58250-K.)

LIBEL FILED: December 12, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about October 13, 1949, by the Electricooker Div., General Foods Corp., from New York, N. Y.

PRODUCT: 993 cases, each containing 2 25-pound cans, of cashew nuts at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs.

DISPOSITION: January 23, 1950. The General Foods Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. Salvaging operations resulted in the destruction of 347 pounds of cashew nuts.

16247. Adulteration of shelled pecans. U. S. v. 14 Cases * * *. (F. D. C. No. 28901. Sample No. 33979-K.)

LIBLE FILED: March 20, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about January 13, 1950, by the Southern Pecan Shelling Co., from San Antonio, Tex.

PRODUCT: 14 55-pound cases of shelled pecans at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rancid and otherwise decomposed nuts.

DISPOSITION: April 13, 1950. The shipper having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. On May 19 and 20, 1950, an amended decree was entered, ordering the product converted into nut oil for purposes other than for human consumption.

OILS AND FATS

16248. Adulteration and misbranding of edible oil. U. S. v. A. Accardi Co., a corporation, and John De Virgilio. Pleas of guilty. Corporation fined \$200; individual defendant fined \$100. (F. D. C. No. 28766. Sample Nos. 5261-K, 5264-K, 5766-K.)

INFORMATION FILED: May 1, 1950, District of Massachusetts, against the A. Accardi Co., Boston, Mass., and John De Virgilio, president.

ALLEGED SHIPMENT: On or about April 18, 1949, from the State of Massachusetts into the States of Maine and Vermont.

LABEL, IN PART: "One Gallon Monte Carlo Brand Fine Table Oil This can contains high grade cottonseed oil, corn oil and pure olive oil, with color and flavor added," "One Gallon Net High Grade Family Oil Napoli Star Brand High grade vegetable oil consisting of 90% corn, cottonseed, and peanut oil, and 10% pure olive oil," or "One Gallon La Regina Brand High Grade Family Oil This can contains 95% high grade vegetable oil and 5% imported olive oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the product, olive oil, had been in part omitted; and, Section 402 (b) (4), artificial flavor and artificial color had been added to the product and mixed and packed with it so as to make it appear to be an article containing substantial amounts of olive oil, which is better and of greater value than the product.

Misbranding, Section 403 (a), the various label statements, "This can contains high grade cottonseed oil, corn oil and pure olive oil," "5% imported olive oil," and "10% pure olive oil," were false and misleading since the product contained little, if any, olive oil; and, Section 403 (e) (2), the product

failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the declared one gallon; and, Section 403 (k), (2 lots) the product contained artificial flavoring and artificial coloring and failed to bear labeling stating those facts.

DISPOSITION: May 16, 1950. Pleas of guilty having been entered, the corporation was fined \$200 and the individual defendant was fined \$100.

16249. Alleged adulteration and misbranding of edible oil. U. S. v. Albert M. Caputo. Plea of not guilty. Defendant's motion to dismiss granted.
(F. D. C. No. 25574. Sample Nos. 4513-K, 4515-K.)

INFORMATION FILED: January 12, 1949, District of Rhode Island, against Albert M. Caputo, Providence, R. I.

ALLEGED SHIPMENT: On or about October 15 and 24, 1947, from the State of Rhode Island into the State of Connecticut.

LABEL, IN PART: "AMC Trade Mark Reg. Favorita Brand An Excellent Blend of Choice Corn & Peanut Oils and 20% Pure Olive Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), (1 shipment) a mixture containing peanut oil, corn oil, cottonseed oil, and less than 20 percent of olive oil and (other shipment) a mixture consisting principally of corn oil and containing less than 20 percent of olive oil had been substituted in whole or in part for a mixture of corn oil, peanut oil, and 20 percent of pure olive oil, which the product was represented to be.

Misbranding, Section 403 (a), the label statement "An Excellent Blend of Choice Corn & Peanut Oils and 20% Pure Olive Oil" was false and misleading; and, Section 403 (f), (1 lot) the information required by Sections 403 (e) and 403 (i) (2) of the Federal, Food, Drug, and Cosmetic Act to appear on the label did not appear thereon in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use since the label contained representations in the Italian language, and the information required by the above sections did not appear on the label in the Italian language.

DISPOSITION: March 21, 1950. A plea of not guilty having been entered by the defendant, the case came for trial before the court. After the Government had presented its case, the defendant made a motion to dismiss the information on the ground that the Government had failed to prove that the defendant had shipped the oil in interstate commerce. The court ordered that the information be dismissed without an opinion.

16250. Adulteration and misbranding of edible oil. U. S. v. 25 Cases * * *.
(F. D. C. No. 28705. Sample No. 74399-K.)

LABEL FILED: February 2, 1950, District of New Jersey.

ALLEGED SHIPMENT: On or about December 14, 1949, by Santuzza Oil Co., Inc., from Brooklyn, N. Y.

PRODUCT: 25 gallons of edible oil at Jersey City, N. J.

LABEL, IN PART: (Can) "Santuzza Brand A Blend of 80% Corn and Peanut Oil 20% Pure Olive Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in whole or in part omitted.

Misbranding, Section 403 (a), the label statement "20% Pure Olive Oil" was false and misleading since the article contained little, if any, olive oil.

DISPOSITION: March 29, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable organization, with the exception of 1 can which was ordered delivered to the Food and Drug Administration.

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¹ (16249) Prosecution contested.

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**FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION**

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

16251-16300

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

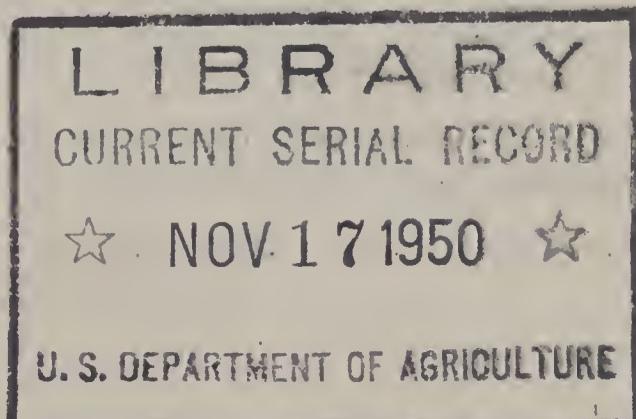
PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., October 24, 1950.

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BEVERAGES AND BEVERAGE MATERIALS

16251. Adulteration of peach nectar. U. S. v. 8 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 28575, 28644. Sample Nos. 58645-K, 58658-K.)

LIBELS FILED: December 22, 1949, and January 13, 1950, Western District of Washington.

ALLEGED SHIPMENT: On or about November 4 and December 28, 1949, by the Pure Foods Corp., from Los Angeles, Calif.

PRODUCT: 17 cases, each containing 96 6-ounce cans, of peach nectar at Seattle, Wash.

LABEL, IN PART: "Golden Flow Brand Peach Nectar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and insect excreta.

DISPOSITION: May 25, 1950. Default decrees of condemnation. The court ordered that 8 cases be delivered to the Food and Drug Administration and that the remaining cases be destroyed.

16252. Adulteration of tomato juice. U. S. v. 1,298 Cases (and 1 other seizure action). (F. D. C. Nos. 28871, 28889. Sample Nos. 76614-K, 76622-K.)

LIBELS FILED: February 21 and March 8, 1950, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 20 and 24, 1950, by the Comstock Canning Corp., from Fairport and Macedon, N. Y.

PRODUCT: Tomato juice. 1,298 cases, each containing 24 1-pint, 2-fluid-ounce cans, and 1,500 cases, each containing 12 1-quart, 14-fluid-ounce cans, at St. Louis, Mo.

LABEL, IN PART: (Can) "Red Robe [or "American Lady" or "Topmost"] Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 30 and April 4, 1950. The Comstock Canning Corp., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. 731 cases were released as fit for use, and 1,796 cases were destroyed.

16253. Adulteration of tomato juice. U. S. v. 697 Cases * * *. (F. D. C. No. 28643. Sample No. 54726-K.)

LIBEL FILED: January 11, 1950, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about November 2, 1949, by G. L. Webster & Co., Inc., from Cheriton, Va.

PRODUCT: 697 cases, each containing 24 1-pint, 2-ounce cans, of tomato juice at Harahan, La.

LABEL, IN PART: "Iona Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product contained decomposed tomato material.)

DISPOSITION: February 14, 1950. A default decree of condemnation and destruction was entered with respect to 638 cases of tomato juice which had been seized by the United States marshal on January 17, 1950. On March 7, 1950, an amended decree was entered condemning and ordering the destruction of an additional 80 cases and 21 cans of tomato juice which had been seized by the United States marshal on January 30, 1950, pursuant to the libel.

16254. Adulteration of tomato juice. U. S. v. 480 Cases * * *. (F. D. C. No. 28961. Sample No. 60371-K.)

LIBEL FILED: April 12, 1950, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 24, 1950, from Fort Wayne, Ind. This was a return shipment.

PRODUCT: 480 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Edgerton, Ohio.

LABEL, IN PART: (Can) "Little Elf Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 4, 1950. Default decree of condemnation and destruction.

16255. Misbranding of tomato juice. U. S. v. 418 Cases * * *. (F. D. C. No. 28951. Sample No. 65513-K.)

LIBEL FILED: April 28, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 3, 1948, by the Wann Packing Co., from Elwood, Ind.

PRODUCT: 418 cases, each containing 24 unlabeled cans, of tomato juice at Chicago, Ill.

LABEL, IN PART: (Cases) "Tomato Juice."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato juice since it contained seeds, whereas the regulations require that tomato juice be strained free from seeds.

DISPOSITION: June 14, 1950. Default decree of condemnation. The court ordered that the product be delivered to a public institution.

16256. Adulteration of tomato juice. U. S. v. 195 Cases * * *. (F. D. C. No. 28968. Sample No. 67404-K.)

LIBEL FILED: On or about April 12, 1950, Western District of Virginia.

ALLEGED SHIPMENT: On or about March 17, 1950, by the St. Marys Packing Co., from Van Wert, Ohio.

PRODUCT: 195 cases, each containing 24 1-pint, 2-fluid-ounce cans, of tomato juice at Roanoke, Va.

LABEL, IN PART: (Can) "Kroger Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 30, 1950. Default decree of condemnation and destruction.

16257. Adulteration of tomato juice. U. S. v. 171 Cases * * *. (F. D. C. No. 28979. Sample No. 76215-K.)

LIBEL FILED: April 18, 1950, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about March 16, 1950, by the St. Marys Packing Co., from Delphos, Ohio.

PRODUCT: 171 cases, each containing 24 1-pint, 2-fluid-ounce cans of tomato juice at Madison, Wis.

LABEL, IN PART: (Can) "Kroger Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: May 8, 1950. Default decree of forfeiture. The court ordered that the product be sold by the United States marshal for use other than for human consumption; otherwise, the product was to be destroyed. The product was destroyed.

16258. Adulteration of tomato juice. U. S. v. 92 Cases * * *. (F. D. C. No. 27951. Sample No. 60341-K.)

LIBEL FILED: November 7, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 25, 1949, by Meeter's, Inc., from Union Grove, Wis.

PRODUCT: 92 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Rockford, Ill.

LABEL, IN PART: "Grove Brand Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material, and was otherwise unfit for food by reason of its bitter, unpleasant taste.

DISPOSITION: April 17, 1950. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

16259. Adulteration of butter. U. S. v. C. A. Swanson & Sons. Plea of nolo contendere. Fine of \$200, plus costs. (F. D. C. No. 28768. Sample Nos. 13392-K, 13393-K.)

INFORMATION FILED: March 20, 1950, District of Nebraska, against C. A. Swanson & Sons, a corporation, Omaha, Nebr.

ALLEGED SHIPMENT: On or about July 28, 1949, from the State of Nebraska into the State of Pennsylvania.

LABEL, IN PART: (Portion) "Ever-Fresh-Brand Salted Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and insects, and, in addition, a portion of the product consisted in part of

a decomposed substance by reason of the use of decomposed cream in the manufacture of the food; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 29, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$200, plus costs.

16260. Adulteration of butter. U. S. v. 359 Cartons (23,335 pounds) * * *. (F. D. C. No. 28329. Sample Nos. 42171-K, 42175-K.)

LIBEL FILED: October 26, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 20, 1949, by the H. A. Pruitt Produce Co., from Ardmore, Okla.

PRODUCT: 359 65-pound cartons of butter at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance, namely, decomposed butter; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: February 10, 1950. Peter Fox Sons Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. 187 cartons of butter were converted into butter oil, and 13 cartons were rechurned to the legal 80 percent of milk fat.

16261. Adulteration of butter. U. S. v. Cass-Clay Cooperative Creamery Assn. and Charles Ommodt. Pleas of guilty. Each defendant fined \$100. (F. D. C. No. 26703. Sample No. 44715-K.)

INFORMATION FILED: On or about August 31, 1949, District of Minnesota, against the Cass-Clay Cooperative Creamery Assn., a corporation, Moorhead, Minn., and Charles Ommodt, general manager.

ALLEGED VIOLATION: On or about February 4, 1949, the defendants sold and delivered to a firm at Wadena, Minn., a quantity of butter that was adulterated; and, at the same time, the defendants guaranteed that the butter was neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. The holder of the guaranty shipped the butter from the State of Minnesota into the State of California on or about February 10, 1949.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the food, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 14, 1949. Pleas of guilty having been entered, the court fined each defendant \$100.

CHEESE

16262. Adulteration of Cheddar cheese and skim milk cheese. U. S. v. Central Farm Products Co. Plea of nolo contendere. Fine, \$50. (F. D. C. No. 26771. Sample Nos. 27222-K, 43826-K.)

INFORMATION FILED: June 10, 1949, Western District of Missouri, against the Central Farm Products Co., a corporation, Richmond, Mo.

ALLEGED SHIPMENT: Between the approximate dates of September 14 and December 18, 1948, from the State of Missouri into the States of Illinois and Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of (in the Cheddar cheese) manure, plant fragments, rodent hair fragments, and insect fragments, and (in the skim milk cheese) insect fragments, rodent hairs, cat hair, and manure; and, Section 402 (a) (4), the products had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 12, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$50.

FISH AND SHELLFISH

16263. Misbranding of frozen haddock fillets. U. S. v. Lakeside Fish & Oyster Co. Plea of guilty. Fine of \$500, plus costs. (F. D. C. No. 27526. Sample No. 44340-K.)

INFORMATION FILED: April 21, 1950, Northern District of Illinois, against the Lakeside Fish & Oyster Co., Chicago, Ill.

ALLEGED SHIPMENT: On or about December 21, 1948, from the State of Illinois into the State of Ohio.

LABEL, IN PART: "Packed by General Seafoods Division of General Foods Corporation Boston, Mass."

NATURE OF CHARGE: Misbranding, Section 403 (b), frozen pollock fillets were offered for sale under the name of frozen haddock fillets; and, Section 403 (i) (1), the label failed to bear the common or usual name of the food, frozen pollock fillets. (The product was shipped in fulfillment of a contract entered into between the shipper and the Quartermaster Market Center System, United States Army, to furnish frozen haddock fillets.)

DISPOSITION: June 15, 1950. A plea of guilty having been entered, the court imposed a fine of \$500, plus costs.

16264. Adulteration of frozen ocean perch fillets. U. S. v. 231 Cartons * * *. (F. D. C. No. 28985. Sample No. 63943-K.)

LIBEL FILED: April 20, 1950, Middle District of Georgia.

ALLEGED SHIPMENT: On or about April 7, 1950, by Trident Fisheries, Inc., Gloucester, Mass.

PRODUCT: 231 10-pound cartons of frozen ocean perch fillets at Macon, Ga.

LABEL, IN PART: "Trident Brand Freshly Frozen Ocean Perch Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: May 22, 1950. Default decree of condemnation and destruction.

16265. Adulteration of canned salmon. U. S. v. 97 Cases * * * (and 1 other seizure action). (F. D. C. No. 28340. Sample No. 54350-K.)

LIBELS FILED: November 11 and 15, 1949, Southern District of Alabama.

ALLEGED SHIPMENT: On or about September 21, 1949, by John P. Herber & Co., Inc., from Bellingham, Wash.

PRODUCT: 397 cases, each containing 48 1-pound cans, of salmon at Mobile, Ala.

LABEL, IN PART: "Herberco Salmon."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten fish.

DISPOSITION: December 27, 1949. John P. Herber & Co., Inc., Seattle, Wash., claimant, having admitted that the product was adulterated, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. 69 cases and 12 cans were segregated and destroyed.

16266. Adulteration of frozen whiting. U. S. v. 509 Boxes * * *. (F. D. C. No. 28913. Sample No. 76166-K.)

LIBEL FILED: March 23, 1950, District of Minnesota.

ALLEGED SHIPMENT: On or about March 3, 1950, by Booth Fisheries Corp., from Boston, Mass.

PRODUCT: 509 15-pound boxes of frozen whiting at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: June 9, 1950. Default decree of condemnation. The product was ordered disposed of as animal feed or destroyed. It was fed to hogs.

16267. Adulteration of crab meat. U. S. v. F. H. Ayers & Son, Frederick H. Ayers, and George W. Ayers. Pleas of not guilty. Tried to the court. Judgment of guilty. Fine, \$175. (F. D. C. No. 28203. Sample Nos. 66812-K to 66814-K, incl., 66818-K to 66821-K, incl.)

INFORMATION FILED: April 6, 1950, Eastern District of Virginia, against F. H. Ayers & Son, a partnership, Portsmouth, Va., and Frederick H. Ayers and George W. Ayers, partners.

ALLEGED SHIPMENT: On or about August 18 and 24, 1949, from the State of Virginia into the States of Pennsylvania, New Jersey, and the District of Columbia.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance, as evidenced by the presence of fecal *Escherichia coli*; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 9, 1950. Pleas of not guilty having been entered, the matter was tried before the court. The court found the defendants guilty and imposed a joint fine of \$175 against the partnership and the individuals.

16268. Adulteration of canned oysters. U. S. v. 449 Cases * * *. (F. D. C. No. 28945. Sample No. 72954-K.)

LIBEL FILED: April 3, 1950, Western District of Kentucky.

ALLEGED SHIPMENT: On or about February 10, 1950, by the Anticich Canning Co., from Biloxi, Miss.

PRODUCT: 449 cases, each containing 48 4 $\frac{2}{3}$ -ounce cans, of oysters at Louisville, Ky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed oysters.

DISPOSITION: July 5, 1950. A default decree of condemnation was entered and the court ordered that the product be delivered to a charitable institution, for use as animal feed.

16269. Adulteration of canned oysters. U. S. v. 396 Cases * * *. (F. D. C. No. 28404. Sample No. 32546-K.)

LIBEL FILED: December 1, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about October 20, 1949, by the Orleans Seafood Co., from New Orleans, La.

PRODUCT: 396 cases, each containing 24 4 $\frac{1}{3}$ -ounce cans, of oysters at San Francisco, Calif.

LABEL, IN PART: "Pearl Reef Brand Cove Oysters."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed oysters.

DISPOSITION: June 8, 1950. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration. Approximately 270 cases were seized, and 118 cases and 16 cans were segregated and destroyed.

16270. Adulteration of canned shrimp. U. S. v. 82 Cases * * *. (F. D. C. No. 28389. Sample No. 49719-K.)

LIBEL FILED: November 28, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about September 24, 1949, by the Orleans Seafood Co., from New Orleans, La.

PRODUCT: 82 cases, each containing 48 5-ounce cans, of shrimp at Denver, Colo.

LABEL, IN PART: (Can) "Gulf Belle Brand Medium Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: July 6, 1950. Default decree of condemnation and destruction.

16271. Adulteration of canned shrimp. U. S. v. 42 Cases * * *. (F. D. C. No. 28938. Sample No. 67963-K.)

LIBEL FILED: April 4, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about July 28, 1949, by the Skrmetta Seafood Co., from New Orleans, La.

PRODUCT: 42 cases, each containing 48 5-ounce cans, of shrimp at Denver, Colo.

LABEL, IN PART: "Shady River Brand Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: June 6, 1950, Default decree of condemnation and destruction.

16272. Adulteration of frozen shrimp. U. S. v. 42 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 27904, 27906. Sample Nos. 29833-K, 49484-K.)

LIBELS FILED: October 10, and 17, 1949, District of Utah and District of Colorado.

ALLEGED SHIPMENT: On or about September 29 and 30, 1949, by the Booth Fisheries Corp., from Chicago, Ill.

PRODUCT: Frozen shrimp. 60 cases, each containing 10 5-pound cartons, at Salt Lake City, Utah, and 42 cases, each containing 10 5-pound cartons, at Denver, Colo.

LABEL, IN PART: "Shrimp Packed by Key's Fish Market Port Lavaca, Tex."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: January 23, and March 23, 1950. The Booth Fisheries Corp., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for salvaging of the fit portion, under the supervision of the Food and Drug Administration. Accordingly, 3,590 pounds were salvaged and 660 pounds were denatured.

16273. Adulteration of frozen shrimp. U. S. v. 16 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 28734 to 28736, incl. Sample Nos. 60455-K, 60456-K, 60458-K to 60460-K, incl., 60463-K to 60467-K, incl.)

LIBELS FILED: March 21, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 14 and 26 and November 16, 1949, by Alden Frozen Foods, Inc., from Harlingen, Tex., and New Orleans, La.

PRODUCT: 97 cases, each containing 10 5-pound cartons, of frozen shrimp at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: May 9, 1950. Default decrees of condemnation and destruction.

16274. Adulteration of frozen shrimp. U. S. v. 35 Cases * * *. (F. D. C. No. 28483. Sample Nos. 10344-K, 10345-K.)

LIBEL FILED: On or about December 30, 1949, Southern District of New York.

ALLEGED SHIPMENT: From the State of Louisiana. The date of shipment is unknown.

PRODUCT: 35 cases, each containing 10 5-pound cartons, of frozen shrimp at New York, N. Y.

LABEL, IN PART: (Case) "Frzn Prawn * * * Packed for Chesebro R. & G."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 30, 1950. Chesebro, Robbins & Graham, Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and denaturing, or destruction, of the unfit portion, under the supervision of the Food and Drug Administration. Accordingly, 310 pounds were rejected as unfit.

FRUITS AND VEGETABLES

CANNED FRUIT

16275. Misbranding of canned cherries. U. S. v. 249 Cases * * *. (F. D. C. No. 28529. Sample No. 68708-K.)

LIBEL FILED: January 19, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about December 10, 1949, by the Washington Canners Coop., Vancouver, Wash.

PRODUCT: 249 cases, each containing 24 1-pound, 14-ounce cans, of cherries at New York, N. Y.

LABEL, IN PART: (Can) "Bestwest Select Fancy Pitted Dark Sweet Cherries In Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Fancy" was false and misleading as applied to an article which contained excessive pits; and, Section 403 (h) (1), the product fell below the standard of quality established for canned pitted cherries since it contained more than one pit in each 20 ounces of canned cherries and its label failed to bear the statement that it fell below the standard.

DISPOSITION: April 27, 1950. The Washington Canners Coop., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

16276. Misbranding of canned peaches. U. S. v. 500 Cases * * *. (F. D. C. No. 28701. Sample No. 63275-K.)

LIBEL FILED: January 31, 1950, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 6, 1949, by the A. M. Beebe Co., San Francisco, Calif.

PRODUCT: 500 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Boston, Mass.

LABEL, IN PART: (Can) "Halves Yellow Cling Elm Farm Peaches In Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations; and the labels on a portion of the product failed to bear, as required by the regulations, the name of the optional packing medium present since the labels bore the statement "In Extra Heavy Syrup," whereas a portion of the article was packed in light sirup.

DISPOSITION: March 8, 1950. The shipper having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the separation and relabeling of the misbranded portion.

DRIED FRUIT

16277. Adulteration of dried apricots. U. S. v. 99 Cartons * * *. (F. D. C. No. 29012. Sample Nos. 34519-K, 57119-K.)

LIBEL FILED: March 21, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about January 12, 1950, by Rosenberg Bros. & Co., Inc., from San Francisco, Calif.

PRODUCT: 99 30-pound cartons of dried apricots at New York, N. Y.

LABEL, IN PART: (Carton) "Padre Brand California Dried Blenheim Apricots."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 22, 1950. Default decree of condemnation and destruction.

16278. Adulteration of mixed dried fruit. U. S. v. 851 Cases * * *. (F. D. C. No. 27230. Sample Nos. 10873-K, 34082-K.)

LIBEL FILED: May 24, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about April 5, 1949, by Guggenheim & Co., Div. of Hunt Foods, Inc., San Francisco, Calif.

PRODUCT: 851 cases, each containing 24 1-pound bags, of mixed dried fruit at New York, N. Y.

LABEL, IN PART: (Bag) "Hunt's California Extra Selected Mixed Dried Fruit."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and larvae.

DISPOSITION: February 6, 1950. The claimant having failed to file an answer, the court ordered that the product be condemned and destroyed.

FROZEN FRUIT

16279. Adulteration of frozen blackberries. U. S. v. 1,017 Cans, etc. (F. D. C. No. 20816. Sample Nos. 40379-H, 40383-H.)

LIBEL FILED: August 29, 1946, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about June 26 and July 8, 1946, by the F. M. Thompson Canning Co., from West Plains, Mo.

PRODUCT: Frozen blackberries. 1,017 cans, each containing 16 to 28 pounds, and 1,302 cans, each containing 25 to 27 pounds, at National Stock Yards, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed blackberry material and, further, it consisted in whole or in part of a decomposed substance by reason of being fermented; and, Section 402 (a) (4), (paragraph 4 of libel) the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: On January 14, 1947, the shipper appeared as claimant and filed an answer denying the allegations of the libel as to the condition of the

product. Upon motion of the claimant, the fourth paragraph of the libel charging violation of Section 402 (a) (4), was stricken.

On April 29, 1948, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of any portion that, upon further examination, was found to be fit for human consumption as food, and the further segregation of those portions of the product that were rejected as unfit for sale in its present state as food, into those portions that might be utilized for making wine and into those that might be suitable for distillation, and, in addition, the destruction of any that might be found unfit for such purposes.

The portion of the product that showed fermentation only was converted into wine, and the portion that contained moldy berries was used in the manufacture of distilled spirits. The conversion and distillation operations were completed on or about October 7, 1949.

MISCELLANEOUS FRUIT PRODUCTS*

16280. Adulteration and misbranding of grape jelly. U. S. v. Edward S. Ridgway. Plea of guilty. Fine, \$500. Defendant placed on probation for 3 years. (F. D. C. No. 23568. Sample Nos. 39848-H to 39850-H, incl.)

INDICTMENT RETURNED: March 7, 1949, Eastern District of Illinois, against Edward S. Ridgway, Salem, Ill.

ALLEGED SHIPMENT: On or about January 24, 1947, from the State of Illinois into the States of Missouri and Arkansas.

LABEL, IN PART: "Ridgway's Old Fashioned Grape Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of grape jelly, namely, grape juice, had been in part omitted from the product.

Misbranding, Section 403 (g) (1), (one count) the product failed to conform to the definition and standard of identity for grape jelly since it was made from a mixture composed of less than 45 parts by weight of the fruit juice ingredient, grape juice, to each 55 parts by weight of one of the optional saccharine ingredients specified in the definition and standard, and the mixture had not been concentrated by heat to such a point that the soluble-solids content of the food was not less than 65 percent; and, further, the food contained artificial grape flavor and an artificial color, amaranth, which are not permitted as optional ingredients in the definition and standard.

DISPOSITION: July 21, 1949. A plea of guilty having been entered, the defendant was fined \$500 on one count of the indictment. Sentence was suspended on the remaining counts, and the defendant was placed on probation for 3 years.

16281. Adulteration of canned blueberry pie mix. U. S. v. 15 Cases * * *. (F. D. C. No. 28929. Sample No. 50977-K.)

LIBEL FILED: April 4, 1950, District of Oregon.

ALLEGED SHIPMENT: On or about February 17, 1950, by Chun King Sales, Inc., from Duluth, Minn.

PRODUCT: 15 cases, each containing 24 1-pound, 4-ounce cans, of blueberry pie mix at Portland, Oreg.

LABEL, IN PART: (Can) "Native Brand Blueberry Pie Mix."

*See also No. 16251.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy berries.

DISPOSITION: June 21, 1950. Default decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

16282. Misbranding of canned green beans. U. S. v. 200 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 26454 to 26457, incl. Sample No. 36584-K.)

LIBELS FILED: February 8, 1949, Territory of Hawaii.

ALLEGED SHIPMENT: On or about January 14, 1949, by Kolstad Canneries, Inc., Silverton, Oreg.

PRODUCT: 650 cases, each containing 6 6-pound, 5-ounce cans, of green beans at Honolulu, T. H.

LABEL, IN PART: "Silco Brand Blue Lake Green Beans Ends and Cut Pieces."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned cut green beans since it contained an excessive number of tough strings.

DISPOSITION: The shipper having admitted the allegations of the libels and having relabeled the products in compliance with the law, an order of discontinuance was entered on November 10, 1949, upon motion of the Government.

16283. Adulteration of canned corn. U. S. v. 755 Cases * * *. (F. D. C. No. 28244. Sample No. 1881-K.)

LIBEL FILED: October 31, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about May 25, 1949, by the J. B. Inderrieden Co., from Hampshire, Ill.

PRODUCT: 755 cases, each containing 36 1-pound, 1-ounce cans, of corn at Miami, Fla.

LABEL, IN PART: (Can) "Peter-Pan Cream Style Golden Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: June 8, 1950. Default decree of forfeiture and destruction.

16284. Adulteration of canned peas. U. S. v. 219 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 28802, 28849. Sample Nos. 54503-K, 54527-K.)

LIBELS FILED: January 23, 1950, and on or about February 14, 1950, Middle and Southern Districts of Alabama.

ALLEGED SHIPMENT: On or about July 19, 1949, by the Whitewater Canning Co., from Whitewater, Wis.

PRODUCT: Canned peas. 219 cases at Petrey, Ala., and 22 cases at Selma, Ala. Each case contained 24 1-pound, 4-ounce cans.

LABEL, IN PART: "Whitewater Wisconsin Tiny Size 1 Early June Peas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed peas.)

DISPOSITION: March 20 and April 13, 1950. The Whitewater Canning Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. Accordingly, 24 cases and 1 can of the product were segregated as unfit and were destroyed.

16285. Adulteration of split peas (in bags). U. S. v. 4 Bags * * *. (F. D. C. No. 28948. Sample No. 48783-K.)

LIBEL FILED: April 4, 1950, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 16 and 21, 1949, from Marcellus Falls, N. Y.

PRODUCT: 4 100-pound bags of split peas at Wilkes-Barre, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 16, 1950. Default decree of condemnation and destruction.

16286. Adulteration of canned spinach. U. S. v. 86 Cases * * *. (F. D. C. No. 28980. Sample No. 67969-K.)

LIBEL FILED: April 25, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about July 18, 1949, by Hunt Foods, Inc., from Fullerton, Calif.

PRODUCT: 86 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Denver, Colo.

LABEL, IN PART: "Hunt's California Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae and other forms of insects.

DISPOSITION: June 1, 1950. The shipper having consented to the entry of a decree, judgment of condemnation and destruction was entered.

16287. Adulteration of corn husks. U. S. v. 100 Pounds * * *. (F. D. C. No. 28990. Sample No. 75207-K.)

LIBEL FILED: April 26, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about March 7, 1950, by Chili Products Corp., Ltd., from Los Angeles, Calif.

PRODUCT: 100 pounds of corn husks at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: June 6, 1950. Consent decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS*

16288. Adulteration of canned tomatoes. U. S. v. 151 Cases * * *. (F. D. C. No. 28969. Sample No. 72118-K.)

LIBEL FILED: April 12, 1950, Western District of Kentucky.

ALLEGED SHIPMENT: On or about September 26, 1949, by the Dupont Canning Co., Dupont, Ind.

PRODUCT: 151 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Russell Springs, Ky.

LABEL, IN PART: "Pride of Dupont Indiana Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 26, 1950. A default decree of condemnation was entered, and the court ordered that the product be delivered to a public institution, for use as animal feed.

16289. Adulteration of tomato puree. U. S. v. 1,622 Cases * * *. (F. D. C. No. 27451. Sample No. 34303-K.)

LIBEL FILED: July 7, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about May 31, 1949, by the Decatur Packing Co., from Greensburg, Ind.

PRODUCT: 1,622 cases, each containing 24 1-pound, 3-ounce cans, of tomato puree at Oakland, Calif.

LABEL, IN PART: "Monarch Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 27, 1949. The Decatur Packing Co. having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. Accordingly, 813 cases were segregated and destroyed.

16290. Adulteration of tomato puree. U. S. v. 294 Cases * * *. (F. D. C. No. 28947. Sample No. 60372-K.)

LIBEL FILED: April 6, 1950, Northern District of Indiana.

ALLEGED SHIPMENT: On or about February 20, 1950, by Phil J. Hock & Co., Cincinnati, Ohio.

PRODUCT: 294 cases, each containing 6 unlabeled cans, of tomato puree at Portland, Ind.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 2, 1950. Default decree of condemnation and destruction.

NUTS

16291. Adulteration of brazil nuts. U. S. v. 42 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 28983, 28984. Sample Nos. 78603-K, 78609-K.)

LIBELS FILED: April 22, 1950, District of Montana.

ALLEGED SHIPMENT: On or about September 30, 1949, from the State of New York.

PRODUCT: Brazil nuts. 42 cases, each containing 25 1-pound bags, at Havre, Mont., and 6 cases, each containing 25 1-pound bags, at Billings, Mont.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy nuts, and was otherwise unfit for food by reason of the presence of rancid nuts. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 8, 1950. Default decrees of condemnation and destruction.

16292. Adulteration of cashew nuts. U. S. v. 21 Tins * * *. (F. D. C. No. 28950. Sample No. 67805-K.)

LIBEL FILED: April 6, 1950, District of Utah.

ALLEGED SHIPMENT: Between the approximate dates of June 8 and December 3, 1949, from San Francisco, Calif.

PRODUCT: 21 25-pound tins of cashew nuts at Salt Lake City, Utah.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of rancid cashews. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 12, 1950. Default decree of condemnation and destruction.

16293. Adulteration of shelled pecans. U. S. v. 4 Cartons * * *. (F. D. C. No. 28831. Sample No. 48801-K.)

LIBEL FILED: February 1, 1950, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 12, 1950, by the Monticello Pecan Co., from Tallahassee, Fla.

PRODUCT: 4 30-pound cartons of shelled pecans at Scranton, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rancid and otherwise decomposed pecans.

DISPOSITION: May 25, 1950. Default decree of condemnation and destruction.

16294. Adulteration of shelled pecans. U. S. v. 2 Cases * * *. (F. D. C. No. 28832. Sample No. 52384-K.)

LIBEL FILED: February 3, 1950, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about January 6, 1950, by the Dasher Pecan Co., from Valdosta, Ga.

PRODUCT: 2 30-pound cases of shelled pecans at Knoxville, Tenn.

LABEL, IN PART: "Selected Pecans From the Heart of the Pecan Belt."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rancid pecans.

DISPOSITION: June 20, 1950. Default decree of condemnation and destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

16295. Adulteration of Dr. McMaster's Vitamin B Complex Tablets, Dr. McMaster's Eight Essential Vitamins Capsules, Dr. McMaster's Calcium Ration Tablets, and Dr. McMaster's V. M. S. Tablets. U. S. v. Medi-Synth Laboratories, Inc. Plea of guilty. Fine, \$750. (F. D. C. No. 28176. Sample Nos. 31640-K, 58286-K to 58288-K, incl.)

INFORMATION FILED: December 12, 1949, Southern District of California, against Medi-Synth Laboratories, Inc., Los Angeles, Calif.

ALLEGED VIOLATION: The defendant caused false guaranties to be given with respect to quantities of Dr. McMaster's Vitamin B Complex Tablets, Dr. McMaster's Eight Essential Vitamins Capsules, Dr. McMaster's Calcium Ration Tablets, and Dr. McMaster's V. M. S. Tablets, which it caused to be delivered on or about February 14 and April 22 and 28, 1949, within the State of California, to the holder of the guaranties, who was engaged in the business of introducing and delivering for introduction into interstate commerce, quantities of vitamin and mineral tablets which had been supplied by the defendant.

The guaranties had been given by the defendant to the holder thereof on or about September 14, 1948, and they provided, among other things, that no foods delivered thereunder would be adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents of the articles had been in part omitted and abstracted therefrom as follows: Each tablet of Dr. McMaster's Vitamin B Complex Tablets was represented to provide 1 milligram of vitamin B₂, whereas each tablet would provide a smaller amount of vitamin B₂; each capsule of Dr. McMaster's Eight Essential Vitamins Capsules was represented to provide 20 milligrams of niacinamide, whereas each capsule would provide a smaller amount of niacinamide; 2 tablets of Dr. McMaster's Calcium Ration Tablets were represented to contain 650 U. S. P. units of vitamin D, whereas 2 tablets of the article contained a smaller amount of vitamin D; and 3 tablets of Dr. McMaster's V. M. S. Tablets were represented to provide 500 U. S. P. units of vitamin D, whereas 3 tablets of the article would provide a smaller amount of vitamin D.

The information alleged also that another product, Kal-Estrin, was adulterated under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3071.

DISPOSITION: January 30, 1950. A plea of guilty having been entered, the court imposed a fine of \$750.

16296. Adulteration of vitamin capsules. U. S. v. 50,000 Vitamin Capsules, etc. (F. D. C. No. 28731. Sample No. 11899-K.)

LIBEL FILED: February 28, 1950, Southern District of New York.

ALLEGED SHIPMENT: During 1944 and 1945, from Cleveland, Ohio, and Philadelphia, Pa.

PRODUCT: 300,000 vitamin capsules at Goshen, N. Y. The article purported to contain, or was represented as containing, among other ingredients, 1.5 milligrams of vitamin B₁ per capsule. Examination showed that the product contained less than 1.5 mg. of vitamin B₁.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, thiamine (vitamin B₁), had been in part omitted or abstracted from the product. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 21, 1950. Default decree of condemnation and destruction.

16297. Adulteration and misbranding of Neo-Mineral. U. S. v. 96 Bottles * * *. (F. D. C. No. 28955. Sample No. 33747-K.)

LIBEL FILED: April 17, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about September 9 and 12, 1949, by the Trojanol Products Co., from Detroit, Mich.

PRODUCT: 96 3 fluid-ounce bottles of Neo-Mineral at Chico, Calif.

LABEL, IN PART: "Neo-Mineral * * * Two Teaspoonfuls Of This Mineral Extract Will Supply Twice The Minimum Daily Adult Iron (FE) Requirement. Minimum Daily Adult Requirement, 10 MGM."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, iron, had been in part omitted. (Examination disclosed that the article contained less than 20 milligrams of iron per two teaspoonfuls.)

Misbranding, Section 403 (a), the label statement "Two Teaspoonfuls Of This Mineral Extract Will Supply Twice The Minimum Daily Adult Iron (FE) Requirement," was false and misleading.

DISPOSITION: May 10, 1950. Default decree of condemnation and destruction.

16298. Adulteration and misbranding of Biolac. U. S. v. The Borden Co. Plea of guilty. Fine of \$1,400, plus costs. (F. D. C. No. 28220. Sample Nos. 1158-K, 5932-K, 5934-K, 7873-K, 23996-K, 33083-K, 46669-K, 46670-K.)

INFORMATION FILED: April 10, 1950, Northern District of Illinois, against The Borden Co., a corporation, Elgin, Ill.

ALLEGED SHIPMENT: Between the approximate dates of March 7 and April 29, 1949, from the State of Illinois into the States of Georgia, Massachusetts, New York, Louisiana, California, and Pennsylvania.

LABEL, IN PART: "Biolac New Improved Modified Milk for Infants. Homogenized and Sterilized."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance containing viable organisms was substituted in whole or in part for a sterile substance.

Misbranding, Section 403 (a), the statement "Sterilized," borne on the cans, was false and misleading since the product was not sterile but contained viable organisms.

DISPOSITION: June 12, 1950. A plea of guilty having been entered, the defendant was fined \$1,400, plus costs.

16299. Adulteration of lactalbumin. U. S. v. The Borden Co. (National Milk Sugar Co., Div. of The Borden Co.) Plea of nolo contendere. Fine, \$5,000. (F. D. C. No. 28213. Sample Nos. 10925-K, 10933-K, 11953-K, 13402-K, 56782-K.)

INFORMATION FILED: February 27, 1950, Western District of Wisconsin, against The Borden Co., trading under the name, National Milk Sugar Co., Div. of The Borden Co., at Boscobel, Wis.

ALLEGED SHIPMENT: On or about November 10, 1948, and January 8, February 15, March 1, and April 19, 1949, from the State of Wisconsin into the States of New York and New Jersey.

LABEL, IN PART: "Lactalbumin" or "Labco Brand Lactalbumin."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, cat hair fragments, moth scales, and mites; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 31, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$5,000.

16300. Misbranding of Sal Vet Poultry Tonic. U. S. v. 37 Packages * * *. (F. D. C. No. 28977. Sample No. 46799-K.)

LIBEL FILED: April 19, 1950, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 13, 1950, by the Sal-Vet Mfg. Co., from Cleveland, Ohio.

PRODUCT: 37 packages of Sal Vet Poultry Tonic at Uniontown, Pa. Examination showed that the product contained no detectable amounts of vitamins A and D.

LABEL, IN PART: (Package) "Net Weight 3½ Lbs. Sal Vet Brand Made With Cod Liver Oil Poultry Tonic."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Made With Cod Liver Oil Poultry Tonic" was false and misleading since the article was not a tonic for poultry and did not supply vitamins A and D, which are important constituents of cod liver oil from the standpoint of poultry nutrition.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3120.

DISPOSITION: May 19, 1950. Default decree of condemnation and destruction.

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¹ (16267) Prosecution contested.

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¹ (16267) Prosecution contested.

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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

16301-16350

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

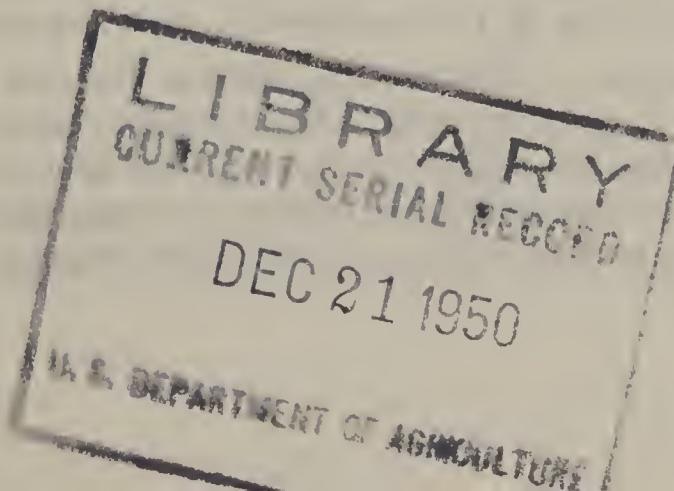
PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., November 9, 1950.

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CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

16301. Adulteration of salted crackers, graham wafers, and breading mix. U. S. v. Carr-Consolidated Biscuit Co. Plea of *nolo contendere*. Fine, \$600. (F. D. C. No. 26338. Sample Nos. 12197-K, 19794-K, 43808-K.)

INFORMATION FILED: February 23, 1949, Eastern District of Missouri, against the Carr-Consolidated Biscuit Co., St. Louis, Mo.

ALLEGED SHIPMENT: Between the approximate dates of August 26 and September 9, 1948, from the State of Missouri into the States of Ohio, Kentucky, and Pennsylvania.

LABEL, IN PART: "Laurel Salteen Crackers * * * The Laurel Biscuit Co. Dayton, Ohio," "Laurel Graham Wafers Laurel Biscuit Co. Dayton Cleveland Portsmouth Marion," and "Dip-N-Fry Quick Breading Mix Consolidated Biscuit Co."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the products had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 27, 1950. A plea of *nolo contendere* having been entered, the court fined the defendant \$600.

FLOUR

16302. Adulteration of flour. U. S. v. 768 Bags * * *. (F. D. C. No. 28916. Sample No. 52547-K.)

LIBEL FILED: March 23, 1950, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about January 26, 1950, by the Randolph Milling Co., from Ava, Ill.

PRODUCT: 768 100-pound bags of flour at Nashville, Tenn.

LABEL, IN PART: "Randolph's * * * Soft 95% Patent Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 1, 1950. Default decree of condemnation. The court ordered that the product be delivered to a county institution, for use as animal feed.

16303. Adulteration of plain flour and cake flour. U. S. v. 83 Bags, etc. (F. D. C. No. 29028. Sample Nos. 63429-K to 63431-K, incl.)

LIBEL FILED: March 29, 1950, District of Rhode Island.

ALLEGED SHIPMENT: On or about November 14, 1949, and January 22 and 23, 1950, from Buffalo and Buffalo Junction, N. Y.

PRODUCT: 159 100-pound bags of plain flour and 20 100-pound bags of cake flour at Providence, R. I., in possession of Sunnyside Bakery.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 1, 1950. Marie Andra, Providence, R. I., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for segregation and denaturing of the unfit portions, for use as animal feed, under the supervision of the Food and Drug Administration. 102 bags of the products were segregated and denatured.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

16304. Adulteration of unpopped popcorn. U. S. v. 5 Bags * * *. (F. D. C. No. 29252. Sample No. 75606-K.)

LIBEL FILED: May 31, 1950, Southern District of Illinois.

ALLEGED SHIPMENT: On or about March 10, 1950, by the Better Taste Popcorn Co., Anderson, Ind.

PRODUCT: 5 100-pound bags of unpopped popcorn at Moline, Ill.

LABEL, IN PART: "Davis Hybrid Pop Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 26, 1950. Default decree of condemnation and destruction.

16305. Adulteration of unpopped popcorn. U. S. v. 49 Sacks * * *. (F. D. C. No. 28899. Sample No. 34582-K.)

LIBEL FILED: March 15, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about June 7, 1949, from Schaller, Iowa.

PRODUCT: 49 100-pound sacks of unpopped popcorn at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of being insect-infested. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 12, 1950. The Central Popcorn Co., Schaller, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. Reconditioning was accomplished by screening out all insect filth.

16306. Adulteration of rice. U. S. v. 135 Bags, etc. (F. D. C. No. 29207. Sample Nos. 34924-K, 34925-K.)

LIBEL FILED: May 11, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about December 15 and 24, 1949, from Beaumont, Tex., and Stuttgart, Ark.

PRODUCT: 205 100-pound bags of rice at Stockton, Calif., in possession of the Haslett Warehouse Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 19, 1950. The Quong Fat Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the uncontaminated portion from the contaminated portion, under the supervision of the Food and Drug Administration. 139 sacks of the product were segregated as unfit for human consumption and denatured for use as animal or poultry feed.

16307. Adulteration of rice. U. S. v. 40 Bags * * * (and 1 other seizure action). (F. D. C. No. 27729. Sample Nos. 60532-K, 60533-K.)

LIBELS FILED: September 16, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 8, 1949, from South Dos Palos, Calif.

PRODUCT: 205 100-pound bags of rice at Chicago, Ill., in possession of Wakem & McLaughlin, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 8, 1949, and June 6, 1950. Default decrees of condemnation were entered and the court ordered that 40 bags of the product be delivered to a public institution, for use as animal feed, and that 165 bags be destroyed.

16308. Adulteration of wheat. U. S. v. 93,000 Pounds * * *. (F. D. C. No. 29279. Sample No. 70890-K.)

LIBEL FILED: On or about June 20, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 6, 1950, by the Schroer Grain Co., from Dresden, Kans.

PRODUCT: 93,000 pounds of wheat at North Kansas City, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of musty wheat.

DISPOSITION: June 23, 1950. George Olson, trading as the Schroer Grain Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. 45,100 pounds of unfit wheat was segregated and utilized in the manufacture of stock feed.

16309. Adulteration of tapioca. U. S. v. 36 Bags * * *. (F. D. C. No. 29319. Sample No. 73017-K.)

LIBEL FILED: May 17, 1950, Southern District of New York.

ALLEGED SHIPMENT: The product was imported from Brazil.

PRODUCT: 36 130-pound bags of tapioca at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 6, 1950. Catz American Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was en-

tered and the court ordered that the product be released under bond, conditioned that 4 bags of the product which appeared to be badly damaged, be destroyed; that the contaminated portion of 6 other bags be segregated and destroyed; and that the remaining 26 bags and the salvaged portion of the 6 bags be repacked into new containers, under the supervision of the Food and Drug Administration.

CHOCOLATE AND CANDY

CHOCOLATE

16310. Adulteration of chocolate liquor. U. S. v. 126 Cartons * * *. (F. D. C. No. 28865. Sample No. 64054-K.)

LIBLE FILED: February 21, 1950, District of Minnesota.

ALLEGED SHIPMENT: On or about October 13, 1947, from Fulton, N. Y.

PRODUCT: 126 Cartons, each containing 5 10-pound slabs, of chocolate liquor at St. Paul, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 12, 1950. The Garrott Candy Co., St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and reprocessing, under the supervision of the Food and Drug Administration. The chocolate was cleaned by scraping and brushing. Approximately 200 pounds of scrap chocolate were denatured.

CANDY

16311. Misbranding of candy. U. S. v. 16⁸²/₉₆ Cases * * *. (F. D. C. No. 28376. Sample No. 68401-K.)

LIBLE FILED: December 22, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about October 31, 1949, by Garcia & O'Connell, Sebastopol, Calif.

PRODUCT: 16⁸²/₉₆ cases, each full case containing 96 packages of candy at Seattle, Wash.

LABEL, IN PART: "Neat N' Sweet to Wear N' Eat Eat-y-Beads * * * Net Wt. 1³/₄ oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product was food in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the product was short of the declared weight.)

DISPOSITION: May 25, 1950. A default decree of condemnation was entered. Accordingly, the court ordered that the product be delivered to a charitable institution.

16312. Misbranding of candy. U. S. v. 10 Cases * * *. (F. D. C. No. 29019. Sample No. 72566-K.)

LIBLE FILED: March 24, 1950, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about January 7, 1950, by Bennett Candies, Inc., from Waco, Tex.

PRODUCT: 10 cases, each containing 15 cartons, of candy at Newport, Ky. Examination showed that the product was egg-shaped candy, with semihard centers.

LABEL, IN PART: (Carton) "One Dozen M. M. Turkey Eggs"; (eggs) "Slats Golden Brittle Net Wt. 1 Oz. Ingredients: Peanuts," "Slats Golden Peanut Brittle Bar Net Wt. One Ounce Ingredients: Peanuts," "Old Time Peanut * * * Peanuts Net Weight - 1 Ounce or Over," and "Our Pride and Joy Pecan Roll Net Wt. 1 $\frac{1}{4}$ Oz. Ingredients: Pecans."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Golden Brittle * * * Ingredients: Peanuts," "Golden Peanut Brittle Bar * * * Ingredients: Peanuts," "Peanut * * * Peanuts," and "Pecan Roll * * * Ingredients: Pecans" were false and misleading as applied to the articles, which did not contain nuts; and, Section 403 (e) (2), the articles failed to bear a label containing an accurate statement of the quantity of the contents. (The articles were short of the declared weight.)

DISPOSITION: May 2, 1950. Default decree of condemnation. The court ordered that the candy be delivered to a charitable institution for its use, but not for sale.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. **16313 to 16315**, and that was below the legal standard for milk fat content, Nos. **16314 to 16319**.

16313. Adulteration of butter. U. S. v. Sherman White & Co. Plea of nolo contendere. Fine of \$900 and costs. (F. D. C. No. 29130. Sample Nos. 41864-K, 46592-K, 46595-K.)

INFORMATION FILED: April 6, 1950, Northern District of Indiana, against Sherman White & Co., a corporation, Fort Wayne, Ind.

ALLEGED SHIPMENT: On or about August 11 and 18 and September 1, 1949, from the State of Indiana into the States of Michigan and Pennsylvania.

LABEL, IN PART: (Portion) "Silverbrook Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and rodent hairs, and one shipment consisted in part of a decomposed substance by reason of the use of decomposed cream in the manufacture of the product; and, Section 402 (a) (4), the product in two of the shipments had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 4, 1950. A plea of nolo contendere having been entered, the defendant was fined \$900, together with costs.

16314. Adulteration of butter. U. S. v. 318 Boxes (20,034 pounds) * * *. (F. D. C. No. 28552. Sample No. 42174-K.)

LIBEL FILED: October 26, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 27, 1949, by the W. B. Pruitt Produce Co., from Muskogee, Okla.

PRODUCT: 318 63-pound boxes of butter at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), a

product containing less than 80 percent by weight of milk fat had been substituted for butter. (Analysis disclosed that the product was low in butter fat and was made from decomposed cream.)

DISPOSITION: February 10, 1950. The Peter Fox Sons Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. 117 cartons were found to be in compliance with the law and were released; 52 cartons were reworked to the legal standard of 80 percent of milk fat; and 149 cartons were converted into butter oil.

16315. Adulteration of butter. U. S. v. 7 Cases * * *. (F. D. C. No. 29002. Sample No. 51685-K.)

LIBLE FILED: August 18, 1949, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about August 1, 1949, by the Merchants Creamery Co., from Cincinnati, Ohio.

PRODUCT: 7 cases, each containing 32 pounds, of butter at Charleston, W. Va.

LABEL, IN PART: "Rose Brand Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed substance; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter. (Analysis disclosed that the butter was deficient in milk fat and contained mold mycelia, insect fragments, moth scales, and mites.)

DISPOSITION: November 18 and December 19, 1949. Default decree of condemnation. The court ordered that the product be denatured and sold by the marshal. No offer having been made for the product, the court ordered that it be delivered to a Federal institution, for use as animal feed.

16316. Adulteration of butter. U. S. v. Arkansas City Co-Operative Milk Assn., Inc., and Carl Fitzgerald. Pleas of guilty. Corporation fined \$1,000 and individual defendant \$100 plus costs. (F. D. C. No. 29133. Sample Nos. 42157-K, 60319-K, 60332-K.)

INFORMATION FILED: March 29, 1950, District of Kansas, against Arkansas City Co-Operative Milk Assn., Inc., Arkansas City, Kans., and Carl Fitzgerald, manager.

ALLEGED SHIPMENT: On or about June 1, 1949, from the State of Kansas into the State of Illinois.

LABEL, IN PART: "Creamery Butter The Peter Fox Sons Co. Distributors."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the product; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 9, 1950. Pleas of guilty having been entered, the court fined the corporation \$1,000 and the individual defendant \$100, plus costs.

16317. Adulteration of butter. U. S. v. Ole O. Nyflot (Strandquist Creamery). Plea of guilty. Fine, \$100. (F. D. C. No. 29141. Sample No. 75904-K.)

INFORMATION FILED: April 21, 1950, District of Minnesota, against Ole O. Nyflot, trading as Strandquist Creamery, Strandquist, Minn.

ALLEGED SHIPMENT: On or about January 27, 1950, from the State of Minnesota into the State of New York.

LABEL, IN PART: "Butter Distributed by Hunter, Walton & Co. 2779 New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the product; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 22, 1950. A plea of guilty having been entered, the court fined the defendant \$100.

16318. Adulteration of butter. U. S. v. The Gray & White Co. Plea of guilty. Fine of \$100 plus cost. (F. D. C. No. 29165. Sample Nos. 46731-K, 47170-K.)

INFORMATION FILED: May 22, 1950, Northern District of Ohio, against The Gray & White Co., a corporation, Tiffin, Ohio.

ALLEGED SHIPMENT: On or about July 19 and 27, 1949, from the State of Ohio into the State of Pennsylvania.

LABEL, IN PART: (Carton) "G-W Prints."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the product; and Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 15, 1950. A plea of guilty having been entered, the court fined the defendant \$100, plus costs.

16319. Adulteration of butter. U. S. v. 23 Cartons (1,664 pounds) * * *. (F. D. C. No. 29306. Sample Nos. 60080-K, 64396-K.)

LIBEL FILED: April 18, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 1, 1950, by the Zumbro Co-op Creamery Co., from Byron, Minn.

PRODUCT: 23 64-pound cartons of butter at Chicago, Ill.

LABEL, IN PART: "Butter L. D. Schreiber & Co., Inc. Sales Agent For The Marketing Association of America A Cooperative Distributors Chicago 467 Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 5, 1950. The Marketing Association of America, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be rechurned, under the supervision of the Food and Drug Administration, so that the butter would contain at least 80 percent by weight of milk fat.

CHEESE

16320. Adulteration of Cheddar cheese. U. S. v. Hygrade Food Products Corp. and Frank G. Holliday. Pleas of nolo contendere. Fine of \$350, plus costs, against corporation; fine of \$10 against individual. (F. D. C. No. 29152. Sample No. 46332-K.)

INFORMATION FILED: May 16, 1950, Northern District of Iowa, against the Hygrade Food Products Corp., Plainfield, Iowa, and Frank G. Holliday, plant manager for the corporation.

ALLEGED SHIPMENT: On or about October 24, 1949, from the State of Iowa into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hairs, insect fragments, manure, feather fragments, and extraneous matter consisting chiefly of rust, plant matter, soot, soil, metal particles, and cloth fibers.

DISPOSITION: June 7, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of \$350, plus costs, against the corporation and a fine of \$10 against the individual.

16321. Adulteration of feta, Ricotta, and Nizithra cheese. U. S. v. 6 Kegs, etc. (and one other seizure action). (F. D. C. Nos. 28422, 28787. Sample Nos. 42949-K, 42950-K, 60451-K.)

LIBELS FILED: January 25, 1949, and January 12, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 5 and November 30, 1949, by G. A. Dardanes, from Trinidad, Colo.

PRODUCT: 6 kegs, each containing approximately 123 pounds, of feta cheese; 34 Ricotta cheeses, each containing approximately 2 $\frac{3}{4}$ pounds; and 49 2-pound Nizithra cheeses, at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of manure and miscellaneous dirt.

DISPOSITION: April 20 and 21, 1950. Default decrees of condemnation and destruction.

EGGS

16322. Adulteration of eggs. U. S. v. Utah Poultry & Farmers Cooperative Assn. Plea of guilty. Fine, \$100. (F. D. C. No. 29149. Sample No. 58311-K.)

INFORMATION FILED: May 3, 1950, District of Utah, against the Utah Poultry & Farmers Cooperative Assn., a corporation, Salt Lake City, Utah.

ALLEGED SHIPMENT: On or about July 27, 1949, from the State of Utah into the State of California.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy, putrid, and decomposed substance, and was otherwise unfit for food by reason of the presence of heavy blood spots.

DISPOSITION: June 2, 1950. A plea of guilty having been entered, the court fined the defendant \$100.

16323. Adulteration of eggs. U. S. v. 3 Crates * * *. (F. D. C. No. 29323. Sample No. 81069-K.)

LIBEL FILED: May 17, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 1, 1950, by Wendell Mezick, from Fruitland, Md.

PRODUCT: 3 crates each containing 360 eggs at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten eggs.

DISPOSITION: June 12, 1950. The shipper having advised the court that he would file no claim for the product, judgment of condemnation and destruction was entered.

16324. Adulteration of frozen eggs. U. S. v. 109 Cans * * *. (F. D. C. No. 28515. Sample No. 47953-K.)

LIBEL FILED: January 10, 1950, District of Maryland.

ALLEGED SHIPMENT: On or about November 29, 1949, by the Midwest Egg Co., from Atlanta, Ga.

PRODUCT: 109 30-pound cans of frozen eggs at Baltimore, Md.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: January 17, 1950. The J. W. Buffington Co., Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration. Segregation operations resulted in the rejection of 19½ cans.

FISH AND SHELLFISH

16325. Adulteration of frozen buffalo fish. U. S. v. 1,408 Pounds * * *. (F. D. C. No. 29077. Sample No. 57449-K.)

LIBEL FILED: April 21, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about March 27, 1950, by Tony Fenack, Brownsville, Tex.

PRODUCT: 1,408 pounds of frozen buffalo fish at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid substance by reason of the presence of putrid fish.

DISPOSITION: June 21, 1950. Default decree of condemnation and destruction.

16326. Adulteration of frozen tullibees. U. S. v. 58 Boxes * * *. (F. D. C. No. 29309. Sample Nos. 10355-K, 10357-K.)

LIBEL FILED: On or about May 17, 1950, District of New Jersey.

ALLEGED SHIPMENT: From a place outside the State of New Jersey.

PRODUCT: 58 50-pound boxes of frozen tullibees at Bradley Beach, N. J.

LABEL, IN PART: "Product of Canada."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: June 19, 1950. Default decree of condemnation and destruction. The product was used for fertilizer.

16327. Adulteration of frozen whiting. U. S. v. 661 Boxes * * *. (F. D. C. No. 29211. Sample No. 76181-K.)

LIBEL FILED: May 3, 1950, Northern District of Iowa.

ALLEGED SHIPMENT: On or about March 15, 1950, by the Pond Village Cold Storage, from North Truro, Mass.

PRODUCT: 661 15-pound boxes of frozen whiting at Sioux City, Iowa.

LABEL, IN PART: "H & G Scaled Whiting Booth Fisheries Corp. Boston, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: June 3, 1950. A default decree of condemnation was entered. The court ordered that the product be sold, conditioned that it be used for animal feed; otherwise, it was to be destroyed.

16328. Adulteration and misbranding of canned clams in juice. U. S. v. 11 Cases * * *. (F. D. C. No. 29097. Sample No. 73741-K.)

LIBEL FILED: May 4, 1950, District of New Jersey.

ALLEGED SHIPMENT: On or about March 16 and April 7, 1950, by Abt's Seafood Products, Inc., from Bay Shore, N. Y.

PRODUCT: 11 cases, each containing 24 jars, of clams in juice at East Orange, N. J.

LABEL, IN PART: (Jar) "Still's Fire Island Brand Net Weight 11½ Ozs. Drained Wt. 6 Ozs. Clams in Juice."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in part for clams.

Misbranding, Section 403 (a), the label statement "Drained Wt. 6 Ozs." was false and misleading since the article had a drained weight of less than 6 ounces.

DISPOSITION: July 3, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable organization.

FRUITS AND VEGETABLES

CANNED FRUIT

16329. Adulteration of canned cherries. U. S. v. 789 Cases * * *. (F. D. C. No. 29282. Sample No. 64983-K.)

LIBEL FILED: June 21, 1950, Western District of Michigan.

ALLEGED SHIPMENT: On or about November 28, 1949, the John C. Morgan Co. shipped the product from Traverse City, Mich., to Hopkins, Minn., and La Crosse and Eau Claire, Wis. The product was subsequently returned to the original shipper.

PRODUCT: 789 cases, each containing 24 1-pound, 3-ounce cans, of cherries at Traverse City, Mich.

LABEL, IN PART: "Morgan Montmorency Red Sour Pitted Cherries," "Cherry King Montmorency Red Sour Pitted Cherries," or "Harvest Queen Pitted Red Sour Cherries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of a phenolic substance.

DISPOSITION: July 7, 1950. Default decree of condemnation and destruction.

16330. Adulteration of canned black raspberries. U. S. v. 148 Cases, etc. (F. D. C. No. 29205. Sample Nos. 60376-K, 60377-K.)

LIBEL FILED: May 4, 1950, Northern District of Indiana.

ALLEGED SHIPMENT: On or about July 15 and 20 and October 28, 1949, by the Paw Paw Canning Co., from Paw Paw, Mich.

PRODUCT: Black raspberries. 148 cases, each containing 24 1-pound, 3-ounce cans, and 39 cases, each containing 6 6-pound, 7-ounce cans, at Marion, Ind.

LABEL, IN PART: "Pleasant Flavor Black Raspberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of decomposed berries.

DISPOSITION: June 23, 1950. Default decree of condemnation and destruction.

FROZEN FRUIT

16331. Adulteration of frozen strawberries. U. S. v. 98 Cans * * *. (F. D. C. No. 29274. Sample No. 54972-K.)

LIBEL FILED: June 14, 1950, Middle District of Alabama.

ALLEGED SHIPMENT: On or about May 6, 1950, by the Gulf Frosted Foods, from Ponchatoula, La.

PRODUCT: 98 30-pound cans of frozen strawberries at Montgomery, Ala.

LABEL, IN PART: "Gulfrost Brand Sliced 3x1 Frozen Fresh Strawberries With Sugar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten and moldy berries.

DISPOSITION: July 14, 1950. Default decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

16332. Adulteration and misbranding of canned green beans. U. S. v. 221 Cases * * *. (F. D. C. No. 29088. Sample No. 68774-K.)

LIBEL FILED: May 5, 1950, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 12, 1950, by Hudson-Duncan & Co., from Portland, Oreg.

PRODUCT: 221 cases, each containing 6 6-pound, 5-ounce cans, of green beans at Boston, Mass.

LABEL, IN PART: (Can) "Royal Oak Fancy Cut Green Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned green beans since it had not been so processed by heat as to prevent spoilage.

DISPOSITION: May 19, 1950. J. L. Contas Bros., Inc., Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. 47 cases of the product were destroyed.

16333. Adulteration and misbranding of canned white kidney beans. U. S. v. 47 Cases * * *. (F. D. C. No. 29092. Sample No. 63439-K.)

LIBEL FILED: On or about May 9, 1950, District of Rhode Island.

ALLEGED SHIPMENT: On or about March 24, 1950, by D. E. Foote & Co., Inc., from Baltimore, Md.

PRODUCT: 47 cases, each containing 24 1-pound, 4-ounce cans, of white kidney beans at Providence, R. I.

LABEL, IN PART: (Can) "Family Brand White Kidney Beans Cannellini Cotti."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), Great Northern beans had been substituted in whole or in part for white kidney beans (Cannellini Cotti).

Misbranding, Section 403 (b), the product was offered for sale under the name of another food; and, Section 403 (i) (1), its label failed to bear the common or usual name of the food.

DISPOSITION: June 13, 1950. Default decree of condemnation. The court ordered that the product be delivered to public or charitable institutions.

16334. Misbranding of canned lima beans. U. S. v. 174 cases * * *. (F. D. C. No. 29200. Sample No. 75208-K.)

LIBLE FILED: May 3, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about April 26, 1949, by the Norfolk Packing Co., from Plattsmouth, Nebr.

PRODUCT: 174 cases, each containing 24 1-pound, 4-ounce cans, of lima beans at Denver, Colo.

LABEL, IN PART: "Little Folks Fresh Lima Beans."

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette depicting a dish of green lima beans, which appeared on the label, was false and misleading since the product consisted of approximately 93 percent white lima beans and 7 percent green lima beans.

DISPOSITION: June 5, 1950. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

16335. Adulteration and misbranding of canned corn. U. S. v. 283 Cases, etc. (F. D. C. Nos. 29010, 29011. Sample Nos. 54106-K, 54108-K.)

LIBLE FILED: On or about March 16, 1950, Western District of Texas; amended libel filed on May 16, 1950.

ALLEGED SHIPMENT: On or about January 23, 1950, by the Tom Corwin Canning Co., from Lebanon, Ohio.

PRODUCT: 287 cases, each containing 6 cans, and 46 cases, each containing 24 cans, of corn at Austin, Tex.

LABEL, IN PART: (Can) "Bel-Dine [or "Nelda Brand"] Cream Style Golden Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), a portion of the article consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts, and was otherwise unfit for food because of serious discoloration; and the remainder of the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the article purported to be and was represented as canned cream style corn, a food for which a definition and standard of identity has been prescribed by the regulations, and a portion of the article failed to conform to such definition and standard since it had not been so processed by heat as to prevent spoilage.

DISPOSITION: June 12, 1950. Default decree of forfeiture and destruction.

16336. Adulteration of canned black-eyed peas. U. S. v. 149 Cases * * *. (F. D. C. No. 29251. Sample No. 54578-K.)

LIBLE FILED: June 1, 1950, Northern District of Alabama.

ALLEGED SHIPMENT: On or about August 1, 1948, from Highlands, Tex.

PRODUCT: 149 cases, each containing 48 15½-ounce cans, of black-eyed peas at Florence, Ala.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product in some of the cans was decomposed.) The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 5, 1950. Default decree of condemnation and destruction.

16337. Adulteration of yellow split peas and whole green peas. U. S. v. 29 Bags, etc. (F. D. C. No. 29054. Sample Nos. 80944-K, 80945-K.)

LIBLE FILED: April 10, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 25, 1948, and February 24, 1949, from Chicago, Ill., and Palouse, Wash.

PRODUCT: 29 100-pound bags of yellow split peas and 50 100-pound bags of whole green peas at Philadelphia, Pa., in the possession of the Pennsylvania Warehouse & Safe Deposit Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 28, 1950. The H. C. Knoke Co., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond, to be denatured under the supervision of the Food and Drug Administration, so that they could not be disposed of for human consumption.

16338. Adulteration of corn husks. U. S. v. 7 Cartons * * *. (F. D. C. No. 28933. Sample No. 49592-K.)

LIBLE FILED: March 30, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about December 9, 1949, by the XLNT Spanish Food Co., from Los Angeles, Calif.

PRODUCT: 7 50-pound cartons of corn husks at Denver, Colo.

LABEL, IN PART: "XLNT Select Grade Corn Husks."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts and insect excreta.

DISPOSITION: June 9, 1950. Default decree of condemnation and destruction.

16339. Adulteration of corn husks. U. S. v. 6 Bales * * *. (F. D. C. No. 29099. Sample No. 75196-K.)

LIBLE FILED: May 12, 1950, District of New Mexico.

ALLEGED SHIPMENT: On or about September 26, 1949, by Casuas Brothers, from Los Angeles, Calif.

PRODUCT: 6 50-pound bales of corn husks at Albuquerque, N. Mex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worm-infested corn husks.

DISPOSITION: June 15, 1950. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

16340. Adulteration and misbranding of canned tomatoes. U. S. v. 448 Cases (and 1 other seizure action). Tried to the court. Judgment for Government. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. Nos. 28068, 28069. Sample Nos. 60005-K, 60006-K.)

LIBELS FILED: November 1 and 14, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about September 20 and 29, 1949, by the Wann Packing Co., from Frankton, Ind.

PRODUCT: 946 cases, each containing 24 No. 2½ cans, of tomatoes at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes; and, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since the drained weight of the contents of the container was less than 50 percent of the weight of water required to fill the container, and its label failed to bear a statement that it fell below the standard.

DISPOSITION: The Wann Packing Co. having appeared as claimant, the matter came on for trial before the court on May 31, 1950, and judgment was entered for the Government. On June 5, 1950, decrees of condemnation were entered and the court ordered that the product be released under bond, to be converted into a food product for which a definition and standard of identity has not been established, under the supervision of the Food and Drug Administration.

16341. Adulteration of tomato catsup. U. S. v. 28 Cases, etc. (F. D. C. No. 28430. Sample No. 64583-K.)

LIBEL FILED: December 13, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about September 9, 1949, by the Naas Corp. of Indiana, from Markle, Ind.

PRODUCT: 328 cases, each containing 24 14-ounce bottles, of tomato catsup at Minneapolis, Minn.

LABEL, IN PART: "Sun Red Tomato Catsup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 5, 1950. The sole intervenor having consented to the entry of a decree, the court ordered that the product be denatured for use as animal feed, or destroyed. The product was destroyed.

16342. Adulteration of tomato puree. U. S. v. 20 Cases * * *. (F. D. C. No. 29208. Sample Nos. 15463-K, 15464-K.)

LIBEL FILED: May 4, 1950, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about January 31 and March 6, 1950, by the Butterfield Canning Co., from Plumtree, Ind.

PRODUCT: 20 cases, each containing 48 10½-ounce cans, of tomato puree at Detroit, Mich.

LABEL, IN PART: "Butterfield Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 9, 1950. Default decree of condemnation and destruction.

MEAT AND POULTRY

16343. Adulteration of dressed rabbits. U. S. v. Robert Mead. Plea of nolo contendere. Fine, \$25. (F. D. C. No. 29154. Sample No. 7396-K.)

INFORMATION FILED: April 27, 1950, Western District of Missouri, against Robert Mead, Bolivar, Mo.

ALLEGED SHIPMENT: On or about December 20, 1949, from the State of Missouri into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of contamination with feces.

DISPOSITION: June 5, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$25.

16344. Adulteration of dressed rabbits. U. S. v. Schumacher Commission Co. Plea of guilty. Fine, \$250. (F. D. C. No. 29173. Sample No. 16310-K.)

INFORMATION FILED: May 31, 1950, Eastern District of Missouri, against the Schumacher Commission Co., a partnership, St. Louis, Mo.

ALLEGED SHIPMENT: On or about January 9, 1950, from the State of Missouri into the State of Michigan.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of fecal matter, and of a decomposed substance by reason of the presence in the food of decomposed rabbits.

DISPOSITION: June 23, 1950. A plea of guilty having been entered, the court fined the defendant \$250.

16345. Adulteration of dressed turkeys. U. S. v. Wisconsin Turkey Marketing Cooperative, a corporation, and Wallace H. Jerome. Pleas of nolo contendere. Each defendant fined \$200. (F. D. C. No. 29144. Sample No. 8656-K.)

INFORMATION FILED: April 20, 1950, Western District of Wisconsin, against the Wisconsin Turkey Marketing Cooperative, Barron, Wis., and Wallace H. Jerome, director.

ALLEGED SHIPMENT: On or about November 7, 1949, from the State of Wisconsin into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in part the product of a diseased animal.

DISPOSITION: May 16, 1950. Pleas of nolo contendere having been entered, the court fined each defendant \$200.

SPICES, FLAVORS, AND SEASONING MATERIALS

16346. Adulteration of poppy seed. U. S. v. 4 Bags * * *. (F. D. C. No. 28817. Sample No. 48879-K.)

LIBEL FILED: January 26, 1950, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 2, 1949, from New York, N. Y.

PRODUCT: 4 109-pound bags of poppy seed at Wilkes-Barre, Pa., in possession of Samtil Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 25, 1950. Default decree of condemnation and destruction.

16347. Adulteration of paprika. U. S. v. 50 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 29063, 29065. Sample Nos. 57445-K, 57446-K.)

LIBELS FILED: April 18 and 19, 1950, Eastern and Southern Districts of New York.

ALLEGED SHIPMENT: On or about January 24, 1950, by B. C. Ireland, Inc., from San Francisco, Calif.

PRODUCT: 101 115-pound bags of paprika at Brooklyn and New York, N. Y.

LABEL, IN PART: (Bag) "HAC Paprika Vera No. 2 Standard Product of Chile."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hairs; and, Section 402 (c), the article contained D&C Red No. 18, a coal-tar color that had not been listed for use in foods in accordance with the regulations, and was other than one from a batch that had been certified.

DISPOSITION: May 31 and June 21, 1950. Default decrees of condemnation and destruction.

16348. Adulteration of hot banana peppers. U. S. v. 330 Cases * * *. (F. D. C. No. 28875. Sample Nos. 46786-K, 46789-K.)

LIBEL FILED: February 23, 1950, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 22, 1949, from Pittsburgh, Pa.

PRODUCT: 330 cases, each containing 12 1-pint, 8-ounce jars, of hot banana peppers at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 3, 1950. The LaSalle Food Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. 26 cases of the product were destroyed.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

16349. Adulteration and misbranding of Feedoil. U. S. v. Thompson-Hayward Chemical Co. Plea of nolo contendere. Fine of \$50 plus costs. (F. D. C. No. 29107. Sample No. 49987-K.)

INFORMATION FILED: April 6, 1950, Western District of Missouri, against the Thompson-Hayward Chemical Co., a corporation, Kansas City, Mo.

ALLEGED SHIPMENT: On or about February 25, 1949, from the State of Missouri into the State of Kansas.

LABEL, IN PART: "Feedoil Brand Vitamin A and D Feeding Oil * * * 1000 U. S. P. Vitamin A Units Per Gram."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "1000 U. S. P. Vitamin A Units Per Gram" was false and misleading since the article contained less than 1,000 U. S. P. units of vitamin A per gram.

DISPOSITION: May 11, 1950. A plea of nolo contendere having been entered the court imposed a fine of \$50, plus costs.

16350. Adulteration and misbranding of vitamin B complex tablets. U. S. v. 10 Bottles * * *. (F. D. C. No. 29037. Sample No. 48936-K.)

LIBEL FILED: On or about April 11, 1950, District of New Jersey.

ALLEGED SHIPMENT: On or about January 3, 1950, by Lannett Co., Inc., from Philadelphia, Pa.

PRODUCT: 10 bottles each containing 5,000 vitamin B complex tablets at Lakewood, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B₂ and niacinamide, had been in whole or in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each Tablet Contains: * * * Vitamin B₂—1 mgm. * * * Niacinamide—10.0 mgm. * * *" was false and misleading as applied to an article which contained less than the declared amounts of vitamin B₂ and niacinamide.

DISPOSITION: June 13, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable organization for its use and not for sale.

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¹ (16340) Seizure contested.

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¹ (16340) Seizure contested.

**FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION**

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

16351-16400

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

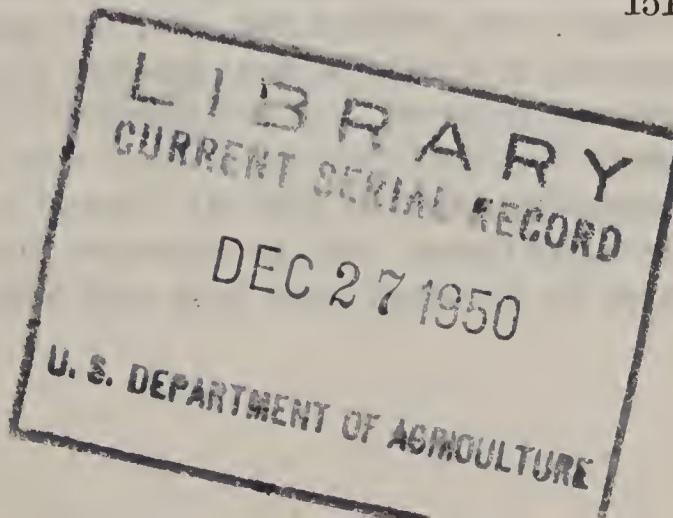
PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., November 22, 1950

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CEREALS AND CEREAL PRODUCTS**BAKERY PRODUCTS**

16351. Adulteration and misbranding of cookies. U. S. v. 15 Cases * * *. (F. D. C. No. 28830. Sample No. 71285-K.)

LIBEL FILED: On or about February 7, 1950, Western District of Washington.

ALLEGED SHIPMENT: On or about January 9, 1950, by the Post Trading Co., from Los Angeles, Calif.

PRODUCT: 15 cases, each containing 24 2-ounce boxes, of cookies at Seattle, Wash.

LABEL, IN PART: "Arrowroot Animal Cookies With Prize * * * Treasure Wagon Animal Cookies Contains Arrowroot."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, arrowroot, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statements "Arrowroot Animal Cookies * * * Animal Cookies Contains Arrowroot" were false and misleading as applied to an article containing an insignificant amount of arrowroot.

DISPOSITION: September 11, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

16352. Misbranding of Butter Cake Cones, U. S. v. 106 Packages, etc. (F. D. C. No. 29072. Sample Nos. 72711-K, 72712-K.)

LIBEL FILED: April 26, 1950, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 9, 1950, by Premier Industries, Inc., from Covington, Ky.

PRODUCT: Butter Cake Cones. 106 packages, each containing 100 cones, and 8 boxes, each containing 250 cones, at Mount Vernon, Ohio.

LABEL, IN PART: (Package) "Premier-Butter Cake Cones Made With Sugar-Butter Milk-Honey Ingredients: Flour, Sugar, Butter, Milk, Honey, Shortening, Tapioca Flour, Soda, Vanilla, Salt and Artificial Color where permitted," and (box) "250 Premier-Butter Cake Cones Ingredients: Flour, Sugar, Tapioca Flour, Salt, Shortening, Certified Artificial Flavoring and Color where allowed."

NATURE OF CHARGE: Misbranding, Section 403 (a), (cones in packages) the name of the product "Butter Cake Cones," the prominent label declaration "Made With * * * Butter Milk-Honey," and the label statement "Ingredients: * * * Butter, Milk * * *" were false and misleading since the article contained insignificant amounts of skim milk powder, butterfat, and honey; and, Section 403 (k), the product contained artificial flavoring and coloring and failed to bear labeling stating that fact since artificial flavoring was not declared, and the presence of artificial coloring was not clearly revealed.

Misbranding, Section 403 (a), (cones in boxes) the name of the product "Butter Cake Cones" and the statement "Certified Artificial Flavoring," which appeared on the label, were false and misleading since the product contained

an insignificant amount of butterfat, and since no artificial flavoring was certified; and, Section 403 (k), the product contained artificial coloring, and its presence in the product was not clearly revealed.

DISPOSITION: June 7, 1950. Default decree of destruction.

FLOUR

16353. Adulteration of flour. U. S. v. 67 Bags * * *. (F. D. C. No. 29322. Sample No. 40361-K.)

LIBEL FILED: May 16, 1950, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about December 20, 1949, from Buffalo, N. Y.

PRODUCT: 67 100-pound bags of flour at Richmond, Va., in possession of the Terminal Storage Corp.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 1, 1950. L. R. Shackelford, Richmond, Va., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The product was denatured and released to the claimant, for sale to a bookbinding firm.

MACARONI AND NOODLE PRODUCTS

16354. Adulteration of egg noodles. U. S. v. 26 Cases * * *. (F. D. C. No. 29082. Sample No. 71419-K.)

LIBEL FILED: April 25, 1950, District of Arizona.

ALLEGED SHIPMENT: On or about January 17, 1949, from Omaha, Nebr.

PRODUCT: 26 cases, each containing 24 5-ounce packages, of egg noodles at Phoenix, Ariz.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 22, 1950. Default decree of condemnation and destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS *

16355. Adulteration of canned popcorn. U. S. v. 8 Cases * * *. (F. D. C. No. 29013. Sample No. 71396-K.)

LIBEL FILED: March 17, 1950, District of Arizona.

ALLEGED SHIPMENT: On or about January 11, 1950, by Popcorn Processors, Inc., Los Angeles, Calif.

* See also No. 16381.

PRODUCT: 8 cases, each containing 12 11-ounce cans, of popcorn at Tucson, Ariz.

LABEL, IN PART: (Can) "Ready to Eat Brand Popcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: July 13, 1950. Default decree of condemnation and destruction.

16356. Misbranding of cheese-flavored popcorn. U. S. v. 120 Bags * * *. (F. D. C. No. 29318. Sample No. 79343-K.)

LIBEL FILED: On or about May 23, 1950, District of Rhode Island.

ALLEGED SHIPMENT: On or about April 13, 1950, by Parker Products, Inc., from Framingham, Mass.

PRODUCT: 120 bags of cheese-flavored popcorn at Providence, R. I.

LABEL, IN PART: (Bag) "Parker's Cheese Flavored Pop Corn Net Wt. 4 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The product was short of the declared weight.)

DISPOSITION: July 10, 1950. A default decree of condemnation was entered and the court ordered that the product be delivered to public or charitable institutions. On July 12, 1950, the decree was amended to provide for destruction of the product since it had spoiled.

16357. Adulteration of rice and corn meal. U. S. v. 50 Bags, etc. (F. D. C. No. 29062. Sample Nos. 63895-K to 63899-K, incl.)

LIBEL FILED: April 24, 1950, Southern District of Georgia.

ALLEGED SHIPMENT: On or about February 17 and March 9, 17, and 23, 1950, from Houston, Tex., and Birmingham, Ala.

PRODUCT: 112 100-pounds bags and 31 25-pound bags of rice, and 17 50-pound bags and 23 25-pound bags of corn meal, at Augusta, Ga., in possession of the Thomas & Howard Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 21, 1950. The Thomas & Howard Co., Augusta, Ga., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered the products released under bond for the segregation of the unfit portion for use as animal feed, under the supervision of the Food and Drug Administration. 11,400 pounds of rice and 1,400 pounds of corn meal were segregated for use as animal feed.

16358. Adulteration of brewers rice. U. S. v. 600 Bags * * *. (F. D. C. No. 29266. Sample No. 69398-K.)

LIBEL FILED: June 5, 1950, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 21, 1950, by Rosenberg Bros. & Co., Inc., from Biggs, Calif.

PRODUCT: 600 100-pound bags of brewers rice at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and filth; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 26, 1950. Default decree of condemnation. The court ordered that the product be denatured and disposed of for purposes other than for human consumption.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of a filthy or decomposed substance, No. 16359; that was below the legal standard for milk fat content, No. 16360; and that was short of the declared weight, Nos. 16361 and 16362.

16359. Adulteration of butter. U. S. v. 10 Cubes (1,000 pounds) * * *. (F. D. C. No. 29408. Sample No. 71319-K.)

LABEL FILED: May 31, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about May 1, 1950, by the Blackfoot Creamery, from Blackfoot, Idaho.

PRODUCT: 10 100-pound cubes of butter at Los Angeles, Calif. Analysis disclosed that the product was contaminated with rodent filth, as evidenced by rodent hairs.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance.

DISPOSITION: June 19, 1950. Default decree of condemnation and destruction.

16360. Adulteration of butter. U. S. v. Miles Romesburg. Plea of nolo contendere. Fine of \$100, plus costs. (F. D. C. No. 29132. Sample No. 56661-K.)

INFORMATION FILED: March 28, 1950, District of Nebraska, against Miles Romesburg, South Sioux City, Nebr.

ALLEGED SHIPMENT: On or about August 20, 1949, from the State of Nebraska into the State of New York.

LABEL, IN PART: "Salted Butter William Menzer Inc New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the product, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: May 2, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$100, plus costs.

16361. Misbranding of butter. U. S. v. 13 Cases * * *. (F. D. C. No. 29409.
Sample Nos. 71441-K to 71443-K, incl.)

LIBEL FILED: April 26, 1950, District of Arizona.

ALLEGED SHIPMENT: On or about March 9, 16, and 23, 1950, by Swift & Co., from Wichita, Kans.

PRODUCT: 13 cases, each containing 32 prints, of butter at Phoenix, Ariz.

LABEL, IN PART: (Prints) "Swift's Brookfield Butter 1 Lb. Net Weight."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article did not bear an accurate statement of the quantity of the contents since the statement "1 Lb. Net" was incorrect. (The article was short of the declared weight.)

DISPOSITION: June 15, 1950. Default decree of condemnation. The court ordered that the product be delivered to certain charitable institutions, to the YMCA, and to a Boy Scouts' summer camp.

16362. Misbranding of butter. U. S. v. 6 Cases * * *. (F. D. C. No. 29407.
Sample No. 70232-K.)

LIBEL FILED: May 19, 1950, District of Kansas.

ALLEGED SHIPMENT: On or about May 17, 1950, by the Kroger Co., from Kansas City, Mo.

PRODUCT: 6 cases, each containing 16 prints, of butter at Kansas City, Kans.

LABEL, IN PART: "One Pound Net Bluebonnett Brand Creamery Butter Manufactured By Harrow Taylor Butter Co. Kansas City, Mo."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article did not bear an accurate statement of the quantity of the contents. (The article was short of the declared weight.)

DISPOSITION: June 27, 1950. Kent Products, Inc., Kansas City, Mo., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered. Thereupon, the court ordered that the product be delivered to charitable institutions.

EGGS

16363. Adulteration of frozen whole eggs. U. S. v. 64 Cans (and 1 other seizure action). (F. D. C. Nos. 29352, 29354. Sample Nos. 81184-K, 81185-K.)

LIBELS FILED: June 7, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 2, 1950, by Coble Dairy Products, from Lexington, N. C.

PRODUCT: Frozen whole eggs. 64 50-pound cans and 332 30-pound cans at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: June 22, 1950. Coble Dairy Products, claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond, conditioned that the unfit portion be segregated or destroyed under the supervision of the Food

and Drug Administration. 346 cans were released to the claimant, and the unfit portion, consisting of 50 cans, was denatured and disposed of for industrial use.

FISH AND SHELLFISH

16364. Adulteration of frozen fish. U. S. v. 210 Pounds * * *. (F. D. C. No. 29250. Sample No. 77331-K.)

LIBEL FILED: May 31, 1950, Southern District of Illinois.

ALLEGED SHIPMENT: On or about August 23, 1947, from Lakeland, Fla.

PRODUCT: 210 pounds of frozen fish at Peoria, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 26, 1950. Default decree of condemnation and destruction.

16365. Adulteration of frozen mackerel. U. S. v. 922 Pounds * * *. (F. D. C. No. 28694. Sample No. 10350-K.)

LIBEL FILED: January 31, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about September 18, 1949, by the Bridget Fish Co., from Plymouth, Mass.

PRODUCT: 922 pounds of frozen mackerel at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: May 3, 1950. Default decree of condemnation and destruction.

16366. Adulteration of frozen perch fillets. U. S. v. 9 Cartons * * *. (F. D. C. No. 29264. Sample No. 74441-K.)

LIBEL FILED: June 27, 1950, Northern District of New York.

ALLEGED SHIPMENT: On or about May 4, 1950, by New England Fillet Co., Inc., from Boston, Mass.

PRODUCT: 9 cartons, each containing 5 10-pound packages, of frozen perch fillets at Syracuse, N. Y.

LABEL, IN PART: "Seacrest Brand Frozen Perch Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: August 11, 1950. Default decree of forfeiture and destruction.

16367. Adulteration of frozen whiting. U. S. v. 1,800 Boxes * * *. (F. D. C. No. 28931. Sample No. 75201-K.)

LIBEL FILED: March 30, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about March 16, 1950, by the Pond Village Cold Storage Co., from North Truro, Mass.

PRODUCT: 1,800 15-pound boxes of frozen whiting at Denver, Colo.

LABEL, IN PART: "H & G Whiting Booth Fisheries Corp., Boston, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid substance by reason of the presence of putrid fish.

DISPOSITION: On May 15, 1950, the Booth Fisheries Corp. having appeared as claimant, the court ordered that 20 boxes of the product be released under bond to the claimant for the purpose of testing and sampling; and, in addition, that 20 boxes of the fish be released to the Government. On June 26, 1950, the claimant having admitted the allegations of the libel, the court ordered that 918 boxes of the product which had been determined by the Food and Drug Administration to be unfit for human consumption be confiscated and disposed of by the United States marshal as fertilizer, under the supervision of the Food and Drug Administration, and that 803 boxes of the product which had been found to be fit for human consumption be released to the claimant.

16368. Adulteration of frozen whiting. U. S. v. 1,400 Boxes * * *. (F. D. C. No. 29213. Sample No. 72901-K.)

LIBEL FILED: May 3, 1950, Western District of Kentucky.

ALLEGED SHIPMENT: On or about April 25, 1950, by the Maine Fillet Co., from Portland, Maine.

PRODUCT: 1,400 10-pound boxes of frozen whiting at Louisville, Ky.

LABEL, IN PART: "Scaled H & G Whiting Casco."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid substance by reason of the presence of putrid fish.

DISPOSITION: June 29, 1950. Default decree of condemnation and destruction.

16369. Adulteration of frozen whiting. U. S. v. 398 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 29243, 29257. Sample Nos. 72911-K, 76134-K.)

LIBELS FILED: May 31 and June 1, 1950, Northern District of Iowa and Western District of Kentucky.

ALLEGED SHIPMENT: On or about April 28 and 29, 1950, by the Booth Fisheries Corp., from North Truro, Mass.

PRODUCT: Frozen whiting. 398 15-pound boxes at Louisville, Ky., and 420 15-pound boxes at Sioux City, Iowa.

LABEL, IN PART: "H & G Scaled Whiting" or "H & G Whiting."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: June 29 and July 1, 1950. Default decrees of condemnation. The court ordered that the Louisville lot be destroyed and that the Sioux City lot be sold on condition that it be denatured and used as animal feed. In addition, the court provided that the latter lot of fish be destroyed in the event it is not sold.

16370. Adulteration of frozen whiting. U. S. v. 518 Boxes * * *. (F. D. C. No. 29210. Sample No. 76223-K.)

LIBEL FILED: May 8, 1950, Southern District of Iowa.

ALLEGED SHIPMENT: On or about March 11, 1950, by the Booth Fisheries Corp., from North Truro, Mass.

PRODUCT: 518 15-pound boxes of frozen whiting at Des Moines, Iowa.

LABEL, IN PART: "H & G Scaled Whiting."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: June 19, 1950. Default decree of condemnation and destruction.

16371. Adulteration of frozen whiting. U. S. v. 88 Boxes * * *. (F. D. C. No. 29222. Sample No. 54579-K.)

LIBEL FILED: May 10, 1950, Northern District of Alabama.

ALLEGED SHIPMENT: On or about April 11, 1950, by Morris Fisheries, Inc., from Chicago, Ill.

PRODUCT: 88 15-pound boxes of frozen whiting at Birmingham, Ala.

LABEL, IN PART: "H & G Scaled Whiting Booth Fisheries Corp., Boston, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: June 12, 1950. Default decree of condemnation and destruction.

16372. Adulteration of frozen whiting. U. S. v. 625 Boxes * * *. (F. D. C. No. 29240. Sample Nos. 70140-K, 70147-K.)

LIBEL FILED: May 24, 1950, District of Nebraska.

ALLEGED SHIPMENT: On or about April 29, 1950, by the Pond Village Cold Storage Co., North Truro, Mass.

PRODUCT: 625 15-pound boxes of frozen whiting at Omaha, Nebr.

LABEL, IN PART: "Famous Booth Sea Food H & G Scaled Whiting Booth Fisheries Corp., Boston, Mass."

NATURE OF CHARGE: Adulteration, Section 402(a)(3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: June 30, 1950. Default decree of condemnation and destruction.

16373. Adulteration of crab meat. U. S. v. 1 Container * * * (and 1 other seizure action; 570 pounds, total). (F. D. C. Nos. 25375, 25376. Sample Nos. 2050-K, 2051-K.)

LIBELS FILED: On or about June 23, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about June 19, 1948, by the Blue Channel Corp., Belhaven, N. C.

PRODUCT: 570 pounds of crab meat at New York, N. Y.

LABEL, IN PART: "Blue Channel Corp 1 Lb. Net Lump Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402(a)(3), the product consisted in whole or in part of a filthy animal substance. Analysis showed that the product was contaminated with *B. coli* of fecal origin.

DISPOSITION: May 26, 1950. Claim, answer, and stipulation for costs having been filed, but claimant having subsequently withdrawn its claim, judgments of condemnation were entered and the court ordered that the product be destroyed and that costs be taxed.

16374. Adulteration of canned shrimp. U. S. v. 99 Cases * * *. (F. D. C. No. 28708. Sample No. 74213-K.)

LIBEL FILED: February 7, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about December 21, 1949, by Reuther's Sea Food Co., Inc., from New Orleans, La.

PRODUCT: 99 cases, each containing 48 5-ounce cans, of shrimp at New York, N. Y.

LABEL, IN PART: (Can) "Marvelous Brand Shrimp."

NATURE OF CHARGE: Adulteration, Section 402(a)(3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: April 14, 1950. Reuther's Sea Food Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the unfit portion, under the supervision of the Federal Security Agency. The segregation operations resulted in the destruction of 81 cases and 13 cans as unfit.

16375. Adulteration of frozen shrimp. U. S. v. 51 Cases * * *. (F. D. C. No. 28814. Sample No. 75430-K.)

LIBEL FILED: January 26, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about November 4, 1949, by Southern Shell Fish Co., Inc., from New Orleans, La.

PRODUCT: 51 cases, each containing 10 5-pound cartons, of frozen shrimp at Denver, Colo.

LABEL, IN PART: "Gulf Kist Frozen Fresh Shrimp."

NATURE OF CHARGE: Adulteration, Section 402(a)(3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: February 17, 1950. Southern Shell Fish Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning, under the supervision of the Federal Security Agency. On July 20 and 21, 1950, a total of 345 pounds of shrimp from the lot under seizure was segregated as unfit and was destroyed.

FRUITS AND VEGETABLES

CANNED FRUIT

16376. Misbranding of canned peaches. U. S. v. 198 Cases * * *. (F. D. C. No. 29053. Sample Nos. 34771-K, 34781-K.)

LIBEL FILED: April 10, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 27, 1950, by The Great Atlantic & Pacific Tea Co., from Oakland, Calif.

PRODUCT: 198 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Philadelphia, Pa.

LABEL, IN PART: (Can) "Fruit Basket Sliced Elberta Yellow Freestone Peaches In Extra Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the optional packing medium present in the food since its label bore the statement "In Extra Heavy Syrup," and the product was packed in heavy sirup.

DISPOSITION: August 16, 1950. Hickmott Canning Co., Antioch, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

16377. Adulteration of canned pears. U. S. v. 38 Cartons * * * (and 1 other seizure action). (F. D. C. Nos. 28748, 28749. Sample Nos. 73824-K, 73825-K.)

LIBELS FILED: March 7 and 9, 1950, Eastern and Southern Districts of New York.

ALLEGED SHIPMENT: On or about December 15, 1949, by the Rogue River Packing Corp., from Medford, Oreg.

PRODUCT: 147 cartons, each containing 24 1-pound, 13-ounce cans, of pears at Brooklyn and New York, N. Y.

LABEL, IN PART: (Can) "A&P Grade A Pears Halves In Heavy Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of an objectionable cresol-like flavor.

DISPOSITION: July 27 and August 2, 1950. The Rogue River Packing Corp. having withdrawn its claims, judgments of condemnation were entered and the court ordered that the product be destroyed.

DRIED FRUIT

16378. Adulteration of mixed dried fruit. U. S. v. 500 Cases * * *. (F. D. C. No. 29044. Sample No. 34751-K.)

LIBEL FILED: April 14, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about February 24, 1950, by Hunt Foods, Inc., Guggenheim Div., from Hayward, Calif.

PRODUCT: 500 30-pound cases of mixed dried fruit at New York, N. Y.

LABEL, IN PART: (Case) "Fuchsia Extra Choice Mixture of Fruits * * * Dried."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, insects, and insect excreta; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 21, 1950. Default decree of condemnation and destruction.

16379. Adulteration of dried black raspberries. U. S. v. 7 Barrels * * *. (F. D. C. No. 28042. Sample No. 62886-K.)

LIBEL FILED: October 13, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 20, 1949, by W. E. Otto & Co., from Naples, N. Y.

PRODUCT: 7 barrels, each containing 200 pounds, of dried black raspberries at Charlestown, Mass.

LABEL, IN PART: (Barrel) "Evap. Black Raspbys."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hair fragments, and of a decomposed substance by reason of the presence of rotten berries; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 18, 1950. Default decree of condemnation and destruction.

FRUIT BUTTER

16380. Adulteration of apple butter. U. S. v. Colonial Mfg. Co., Inc., and Leamon T. Wilkes. Pleas of nolo contendere. Defendants jointly fined \$100. (F. D. C. No. 29171. Sample Nos. 61381-K, 61578-K, 61579-K, 68065-K.)

INFORMATION FILED: May 15, 1950, Western District of Oklahoma, against Colonial Mfg. Co., Inc., Oklahoma City, Okla., and Leamon T. Wilkes, president.

ALLEGED SHIPMENT: On or about October 13, November 3, and December 5, 1949, from the State of Oklahoma into the States of Missouri and New Mexico.

LABEL, IN PART: "Zestee [or "Colonial"] Apple Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair.

DISPOSITION: June 12, 1950. Pleas of nolo contendere having been entered, the defendants were jointly fined \$100.

VEGETABLES

16381. Adulteration of beans, peas, and rice. U. S. v. 291 Cases, etc. (F. D. C. No. 28537. Sample Nos. 63875-K to 63880-K, incl., 63981-K, 63983-K, 63985-K.)

LIBEL FILED: January 24, 1950, Western District of North Carolina.

ALLEGED SHIPMENT: Between the approximate dates of March 3, 1948, and December 14, 1949, from Horseheads, N. Y.; Omaha, Nebr.; Columbia, S. C.; Ralston, Nebr.; and Moscow, Idaho.

PRODUCT: 52,512 pounds of beans, 576 pounds of rice, and 950 pounds of peas at Charlotte, N. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 1, 1950. The Washburn-Wilson Seed Co., Moscow, Idaho, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. 42,742 pounds of the beans were salvaged, and the remainder of the products were denatured for use as animal feed.

16382. Adulteration and misbranding of canned green beans. U. S. v. 925 Cases * * *. (F. D. C. No. 28926. Sample No. 71471-K.)

LIBEL FILED: March 27, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about August 20 and December 9, 1949, and February 6, 1950, by the Northwest Packing Co., from Portland, Oreg.

PRODUCT: 925 cases, each containing 6 6-pound, 5-ounce cans, of green beans at Los Angeles, Calif.

LABEL, IN PART: "Blue Dell Cut Beans Green."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned green beans since it had not been so processed by heat as to prevent spoilage.

DISPOSITION: April 19, 1950. The Sunshine Specialty Products Co., Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the fit portion from the unfit, under the supervision of the Food and Drug Administration. 113 cases were segregated and destroyed, and 871 cases were released as good.

16383. Adulteration of canned corn. U. S. v. 246 Cases * * *. (F. D. C. No. 29269. Sample No. 77518-K.)

LIBEL FILED: June 7, 1950, Eastern District of Missouri; amended libel filed June 9, 1950.

ALLEGED SHIPMENT: On or about May 2, 1950, by the Klindt-Geiger Canning Co., from Cassville, Wis.

PRODUCT: 246 cases, each containing 24 1-pound, 4-ounce cans, of corn at St. Louis, Mo.

LABEL, IN PART: "Glendale Brand Cream Style White Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: July 19, 1950. Default decree of condemnation and destruction.

16384. Adulteration of canned corn. U. S. v. 72 Cases * * *. (F. D. C. No. 28959. Sample Nos. 51488-K, 72109-K.)

LIBEL FILED: April 13, 1950, Southern District of Indiana.

ALLEGED SHIPMENT: On or about January 26, 1950, by Lansing B. Warner, Inc., Onarga, Ill.

PRODUCT: 72 cases, each containing 24 1-pound, 4-ounce cans, of corn at Anderson, Ind.

LABEL, IN PART: "Royal Star Brand Cream Style Country Gentleman White Sweet Corn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts.

DISPOSITION: July 21, 1950. Default decree of forfeiture and destruction.

16385. Alleged adulteration of potatoes. U. S. v. 261 Bags, etc. Tried to the court. Complaint dismissed. (F. D. C. No. 24194. Sample Nos. 504-K, 642-K, 643-K.)

LIBEL FILED: On or about December 22, 1947, Northern District of Georgia.

ALLEGED SHIPMENT: On or about November 18, 19, and 25, 1947, by the Battleground Farms, from Freehold, N. J.

PRODUCT: 876 100-pound bags of potatoes at Atlanta, Ga.

LABEL, IN PART: (Bag) "Victory [or "Goldfinch"] Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its musty odor and taste, which made it unpalatable.

DISPOSITION: Ernest F. Tark, trading as Battleground Farms, having appeared as claimant, the case was tried on February 7, 1950, before the court. On March 13, 1950, the court dismissed the complaint, handing down the following opinion:

ANDREWS, *District Judge*:

ORDER DISMISSING COMPLAINT FILED AS A LIBEL IN REM

"On February 7, 1950, the case came on for trial before the Court without a jury. Oral and documentary evidence was introduced, at the conclusion of which the Court inquired concerning the present location and condition of the res.

"It appeared that 872 of the 876 bags of potatoes originally seized were destroyed pursuant to a stipulation of the parties to avoid further expense of storage; and that the remaining four bags of the lot are no longer in existence. The material portion of the stipulations and orders follows:

That the cost of storage of the above-described product is considerable and increasing monthly, and that it does not appear practical because of the nature of the product and the long and unseasonable storage to longer keep the entire quantity of said potatoes upon cold storage.

It is stipulated and agreed that the issues in the case will be preserved and the interests of the claimant and the Government better served by reduction at this time in the amount of the res.

That the bags of each brand of said potatoes be continued in cold storage as the res in the said case, and that the remainder of said potatoes be withdrawn from the storage by the United States Marshal and destroyed in accordance with proper order of this Court, without prejudice to either the Government or the claimant herein.

That the matter of cost will abide the determination of this case, and be taxed by the Court in accordance with law.

This the 30th day of September, 1948.

UNITED STATES OF AMERICA
By : J. Ellis Mundy
United States Attorney
Hewlett & Dennis, T. F. Bowden
By : Charles S. Barton
Counsel for Ernest F. Tark

That the United States Marshal withdraw from storage all of said potatoes except two bags of each brand thereof, and destroy the same without prejudice to either party hereto by delivering the same to the United States Penitentiary, at Atlanta, Georgia, to be consumed by livestock, and that the two bags of each brand of said potatoes be continued in storage until the final determination of this cause, and shall constitute the entire res of said cause.

It is ordered further that the said destruction of said potatoes shall not affect the issues involved, which shall be preserved until the final determination of the cause, nor shall affect the taxing of the cost in the proceeding, but that this destruction is by consent of both parties and in order to minimize the incident cost of storage.

BY THE COURT, this the 12th day of October, 1948.

Robert L. Russell
UNITED STATES DISTRICT JUDGE.

It is hereby stipulated and agreed by the parties hereto that the four bags of potatoes seized and stored in the Atlanta Company on or about January 7, 1948, in the above stated libel, and left in storage in accordance with the order of the Court dated October 12, 1948, are not in existence or identifiable, either as potatoes or as edible food or otherwise and it is further stipulated and agreed that this stipulation be made a part of the record of the case.

This 8th day of March, 1950.

W. G. McCullough
Assistant United States District
Attorney for the Government
Hewlett & Dennis, T. F. Bowden
By : Charles S. Barton
Attorneys for Claimant

Approved and ordered filed as a part of the record, March 8, 1950.

M. Neil Andrews
U. S. JUDGE.

"In this state of the record I find it unnecessary to adjudicate the case in its entirety because I think it is moot.

"There is no res. A part of it was destroyed in accordance with the stipulation of September 30, 1948; the remaining four bags which stood for the whole are no longer in existence. The cause should not proceed merely to fix liability for costs.

"See United States v. 3 Unlabeled 25-Pound Bags Dried Mushrooms, Seventh Circuit, 157 F. (2d) 722 and cases cited; Postal Telegraph-Cable Company v. City of Montgomery, 69 So. 428; Cullen v. Levee Improvement Dist. No. 3, 77 S. W. (2d) 310.

"The complaint is hereby dismissed.

"This 13th day of March 1950."

16386. Adulteration of potatoes. U. S. v. 356 Sacks * * *. (F. D. C. No. 29223. Sample No. 32370-K.)

LIBEL FILED: May 12, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about April 25, 1950, by Ambro Rosaschi, from Wellington, Nev.

PRODUCT: 356 sacks, each containing 100 pounds, of potatoes at San Jose, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

DISPOSITION: June 15, 1950. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

16387. Adulteration of canned tomatoes. U. S. v. 299 Cases * * *. (F. D. C. No. 29233. Sample No. 72903-K.)

LIBEL FILED: May 18, 1950, Western District of Kentucky.

ALLEGED SHIPMENT: On or about April 28, 1950, by the Preston Rider Packing Co., from Campbellsburg, Ind.

PRODUCT: 299 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Louisville, Ky.

LABEL, IN PART: "Pendennis Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 5, 1950. A default decree of condemnation was entered, and the court ordered that the product be released to a public institution, for use as animal feed.

16388. Adulteration of tomato catsup. U. S. v. Sardik Food Products Corp.
Plea of nolo contendere. Fine, \$200. (F. D. C. No. 27530. Sample Nos. 19866-K, 46249-K, 46250-K.)

INFORMATION FILED: September 20, 1949, Southern District of Indiana, against the Sardik Food Products Corp., Shirley, Ind.

ALLEGED SHIPMENT: On or about February 16 and April 29, 1949, from the State of Indiana into the States of Tennessee and Missouri.

LABEL, IN PART: "Kroger Tomato Catsup * * * Distributed By The Kroger Co., Cincinnati 2, Ohio" and "Laurel Brand Tomato Catsup * * * Packed For J. F. Conrad Grocer Co. St. Louis, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: July 14, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$200.

16389. Adulteration of tomato puree. U. S. v. 41 Cases * * *. (F. D. C. No. 28853. Sample No. 64472-K.)

LIBEL FILED: February 10, 1950, District of Minnesota.

ALLEGED SHIPMENT: On or about February 15, 1949, by the Illinois Canning Co., from Hoopeston, Ill.

PRODUCT: 41 cases, each containing 6 6-pound, 6-ounce cans, of tomato puree at Minneapolis, Minn.

LABEL, IN PART: "Joan of Arc Fine Foods Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: July 10, 1950. A default decree of condemnation was entered, and the court ordered that the product be disposed of for animal feed, or destroyed.

NUTS

16390. Adulteration of pecan meats. U. S. v. 2 Cases, etc. (F. D. C. Nos. 28953, 28954. Sample Nos. 58366-K, 71483-K.)

LIBEL FILED: April 6, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about February 20 and 22, 1950, by the Southern Pecan Shelling Co., from San Antonio, Tex.

PRODUCT: 17 55-pound cases of pecan meats at Los Angeles, Calif.

LABEL, IN PART: "Amber Pecan Halves."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed pecan meats, and it was otherwise unfit for food by reason of the presence of rancid pecan meats.

DISPOSITION: May 5, 1950. The Southern Pecan Shelling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregating, regrading, and removing of deleterious matter, under the supervision of the Food and Drug Administration. 437 pounds of the pecans were rejected and destroyed.

16391. Adulteration of pistachio nuts. U. S. v. 6 Cans * * *. (F. D. C. No. 29260. Sample Nos. 70238-K, 70239-K.)

LIBEL FILED: On or about June 8, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about April 3, 1950, by the American Pistachio Co., from New York, N. Y.

PRODUCT: 6 25-pound cans of pistachio nuts at Kansas City, Mo.

LABEL, IN PART: "Sun Over The Desert Brand Extra Quality Pistachio Nuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent excreta.

DISPOSITION: August 10, 1950. Default decree of destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

16392. Adulteration of ground chili. U. S. v. 2 Bags * * *. (F. D. C. No. 28949. Sample No. 67654-K.)

LIBEL FILED: April 4, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about February 1, 1950, by James T. Brewster, from Garfield, N. Mex.

PRODUCT: 2 100-pound bags of ground chili at Trinidad, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments.

DISPOSITION: June 6, 1950. Default decree of condemnation and destruction.

16393. Adulteration and misbranding of horseradish. U. S. v. 24 Cases * * *.
(F. D. C. No. 29020. Sample No. 74681-K.)

LIBLE FILED: March 23, 1950, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 20, 1950, by the Nonpareil Pickle Works, from Jersey City, N. J.

PRODUCT: 24 cases, each containing 24 6-ounce bottles, of horseradish at Brooklyn, N. Y.

LABEL, IN PART: (Bottle) "Eureka Brand Prepared Horse Radish."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of horseradish and skim milk powder had been substituted in whole or in part for horseradish.

Misbranding, Section 403 (a), the name "Horse Radish" was false and misleading since the article consisted of a mixture of horseradish and skim milk powder; Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient since the presence of skim milk powder was not declared; and, Section 403 (k), the product contained a chemical preservative and failed to bear labeling stating that fact.

DISPOSITION: June 7, 1950. Default decree of condemnation and destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

16394. Adulteration and misbranding of Multivitalin Spheroids (tablets). U. S. v. Keith-Victor Pharmacal Co. Plea of guilty. Fine, \$500. (F. D. C. No. 28115. Sample No. 27735-K.)

INFORMATION FILED: January 19, 1950, Eastern District of Missouri, against the Keith-Victor Pharmacal Co., St. Louis, Mo.

ALLEGED SHIPMENT: On or about June 11, 1949, from the State of Missouri into the State of Illinois.

LABEL, IN PART: "Sugar Coated Red Multivitalin Spheroids."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, niacinamide, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Each Spheroid Contains: * * * MG * * * Niacinamide 20.0" was false and misleading since each spheroid contained less than 20 milligrams of niacinamide.

DISPOSITION: July 14, 1950. A plea of guilty having been entered, the court imposed a fine of \$500.

16395. Adulteration and misbranding of Parkamins Sylocaps. U. S. v. 50 Bottles * * *. (F. D. C. No. 29081. Sample No. 80915-K.)

LIBLE FILED: April 20, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 6, 1950, by the Midwest Chemical Development Corp., Cleveland, Ohio.

PRODUCT: 50 bottles, each containing 1,000 capsules, of Parkamins Sylocaps at Philadelphia, Pa.

LABEL, IN PART: "1,000 Sylocaps Parkamins Hi-Potency Each sylocap contains: * * * Niacinamide 20,000 Mcg. (20 Mg.)."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, niacinamide, had been in whole or in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the label statement "Each sylocap contains: * * * Niacinamide 20,000 Mcg. (20 Mg.)" was false and misleading since the product contained less than 20,000 mcg. of niacinamide per sylocap.

DISPOSITION: June 28, 1950. The Midwest Chemical Development Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled or reprocessed under the supervision of the Food and Drug Administration.

16396. Adulteration and misbranding of Nine Vitamin and Nine Mineral Spheroids (tablets). U. S. v. 47,000 Tablets * * *. (F. D. C. No. 28930. Sample No. 64534-K.)

LIBEL FILED: March 30, 1950, District of Minnesota.

ALLEGED SHIPMENT: On or about June 16, 1949, from St. Louis, Mo.

PRODUCT: 47,000 Nine Vitamin and Nine Mineral Spheroids (tablets) at St. Paul, Minn. Examination showed that the product contained less niacinamide than declared on the label.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, niacinamide, had been in whole or in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each Spheroid Contains Niacinamide 20.0 Mg." was false and misleading.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: June 5, 1950. The Goodrich-Gamble Co., St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

16397. Adulteration of wheat germ. U. S. v. 9 Cases * * *. (F. D. C. No. 27758. Sample No. 55286-K.)

LIBEL FILED: On or about October 4, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about August 25, 1949, by the Dwarfies Corp., from Council Bluffs, Iowa.

PRODUCT: 9 cases, each containing 12 11-ounce jars, of wheat germ at Kansas City, Mo.

LABEL, IN PART: "Dwarfies Toasted Wheat Germ."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect parts, and rodent excreta.

DISPOSITION: July 11, 1950. Default decree of destruction.

MISCELLANEOUS FOODS

16398. Misbranding of canned sugared coconut and pineapple. U. S. v. 18 Cases * * *. (F. D. C. No. 28587. Sample Nos. 32595-K, 33938-K.)

LIBEL FILED: December 21, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about June 10 and July 31, 1947, by the Standard Fruit Product Co., from Cincinnati, Ohio.

PRODUCT: 18 cases, each containing 6 104-ounce cans, of sugared coconut and pineapple at San Francisco, Calif.

LABEL, IN PART: "Sugarnut Quality Ice Cream Fruits and Flavors Cocoanut Pineapple Contents When Packed 104 Ounces Liquid Measure."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than 104 ounces liquid measure.)

DISPOSITION: February 13, 1950. Default decree of condemnation and destruction.

16399. Misbranding of potato salad. U. S. v. 67 Cases * * *. (F. D. C. No. 29075. Sample No. 79316-K.)

LIBEL FILED: April 20, 1950, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 3 and 15, 1950, by Otto Seidner, Inc., from Westerly, R. I.

PRODUCT: 67 cases, each containing 12 jars, of potato salad at Boston, Mass.

LABEL, IN PART: "Shurfine Contents 1 Pint Potato Salad."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "1 Pint" was false and misleading since the product contained less than 1 pint; and, Section 403 (e) (2), the product was in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight.

DISPOSITION: May 8, 1950. Otto Seidner, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

16400. Adulteration of Creme de Menthe Liquid Color No. 4923 (coal-tar color). U. S. v. 4 Carboys * * *. (F. D. C. No. 29027. Sample No. 73775-K.)

LIBEL FILED: March 30, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about February 8, 1950, by W. J. Bush & Co., Inc., from Linden, N. J.

PRODUCT: 4 5-gallon carboys of coal-tar color at Hudson, N. Y.

LABEL, IN PART: "5 Gal. Creme de Menthe Liquid Color No. 4923 Made from Certified Color Lot No. D7563 D9329 For Manufacturing Only."

NATURE OF CHARGE: Adulteration, Section 402 (c), the product contained a coal-tar color other than one from a batch that had been certified in accordance

with the regulations. (Examination disclosed that the product consisted of Brilliant Blue FCF and Tartrazine, coal-tar colors, dissolved in a mixture of water and propylene glycol.)

DISPOSITION: June 21, 1950. Default decree of condemnation and destruction.

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¹ (16385) Seizure contested. Contains opinion of the court.

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¹ (16385) Seizure contested. Contains opinion of the court.

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FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

16401-16450

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., December 7, 1950

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BEVERAGES AND BEVERAGE MATERIALS

16401. Adulteration of strawberry soda pop and Double cola. U. S. v. Frank A. Schorgl and Matt J. Hoey, Jr. (Nesbitt Bottling Co.). Pleas of nolo contendere. Fine of \$100 against each defendant. (F. D. C. No. 23244. Sample Nos. 67320-H to 67323-H, incl.)

INFORMATION FILED: November 25, 1947, Western District of Missouri, against Frank A. Schorgl and Matt J. Hoey, Jr., copartners, trading as the Nesbitt Bottling Co., Kansas City, Mo.

ALLEGED SHIPMENT: Between the approximate dates of July 27 and 30, 1946, from the State of Missouri into the State of Kansas.

LABEL, IN PART: "Artificial Color & Flavor Big Red Strawberry" and "Double Cola Flavor From Seminole Flavor Company."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in part omitted from the articles; Section 402 (b) (2), beverages sweetened in part with saccharin had been substituted for beverages sweetened with sugar; and, Section 402 (b) (4), saccharin had been added to the articles and mixed with them so as to reduce their quality.

DISPOSITION: On February 10, 1950, Frank A. Schorgl entered a plea of nolo contendere and was fined \$100; on May 5, 1950, Matt J. Hoey, Jr., also entered a plea of nolo contendere and was fined \$100.

16402. Adulteration and misbranding of Albert's Portland punch. U. S. v. 107 Cases, etc. (F. D. C. No. 27923. Sample Nos. 50817-K to 50819-K, incl.)

LIBEL FILED: October 20, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about July 26 and 27 and August 31, 1949, by Albert's Products Co., Inc., from Portland, Oreg.

PRODUCT: Albert's Portland punch. 107 cases, each containing 24 12-ounce bottles, and 97 cases, each containing 12 24-ounce bottles, at Seattle, Wash.

LABEL, IN PART: "Albert's Portland Punch Loganberry-Raspberry Concentrate Made from Sugar, Water and Raspberry Juice, Flavor Base of Loganberry, Raspberry and Orange."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2) an article containing little or no loganberry or raspberry juice, but containing sugar, certified color, and acid, had been substituted in whole or in part for loganberry-raspberry concentrate, which the article purported to be.

Misbranding, Section 403 (a), the vignette depicting clusters of berries, together with the statements "Loganberry-Raspberry Concentrate Made from Sugar, Water and Raspberry Juice, Flavor Base of Loganberry, Raspberry and Orange," were false and misleading since the product contained little or no loganberry or raspberry juice.

DISPOSITION: May 25, 1950. Albert's Products Co., Inc., of Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, to be relabeled under the supervision of the Food and Drug Administration.

16403. Misbranding of frozen concentrated orange juice. U. S. v. 399 Cases * * *. (F. D. C. No. 28877. Sample No. 68849-K.)

LIBEL FILED: February 28, 1950, Western District of Washington; amended libel filed June 29, 1950.

ALLEGED SHIPMENT: On or about December 2, 1949, by Pure Fruit Juices, Inc., from La Habra, Calif., to Wenatchee, Wash.

PRODUCT: 399 cases, each containing 48 6-ounce cans, of orange juice at Seattle, Wash.

LABEL, IN PART: "Cedergreen Brand Frozen Fresh Concentrated Orange Juice."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Frozen Fresh Concentrated Orange Juice * * * Makes 1½ Pints * * * Fill This Can With Cold Water 3 Times, Add To Concentrate * * * Quick Frozen To Retain The Natural Flavor And Abundant Vitamin C" were misleading since they represented and suggested that the article was concentrated orange juice and that when diluted as directed, it would make a product equal in orange juice solids and vitamin C to that of orange juice, whereas the article contained added sugar and the diluted product would contain only about 71 percent of the orange juice solids and vitamin C present in orange juice.

DISPOSITION: August 7, 1950. The Cedergreen Frozen Pack Corp., Wenatchee, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

16404. Adulteration of tomato juice and canned tomatoes. U. S. v. Virgil Etchison (New Palestine Canning Co. and Omega Canning Co.). Plea of guilty. Fine, \$300. (F. D. C. No. 29184. Sample Nos. 8460-K, 46319-K, 70902-K.)

INFORMATION FILED: June 19, 1950, Southern District of Indiana, against Virgil Etchison, trading as the New Palestine Canning Co. at New Palestine, Ind., and as the Omega Canning Co. at Atlanta, Ind.

ALLEGED SHIPMENT: On or about May 31, September 20, and November 9, 1949, from the State of Indiana into the States of New Jersey, Illinois, and Missouri.

LABEL, IN PART: (Can) "New Palestine Tomato Juice [or "Tomatoes"] Packed by New Palestine Canning Co., New Palestine, Ind." and "Mrs. Lane's Tomatoes * * * Foodland, Inc. Distributors Cleveland, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the tomato juice consisted in part of a decomposed substance by reason of the presence of decomposed tomato material, and the canned tomatoes consisted in part of a filthy substance by reason of the presence of vinegar fly eggs and maggots; and, Section 402 (a) (4), the canned tomatoes had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: July 14, 1950. A plea of guilty having been entered, the court imposed a fine of \$300.

16405. Adulteration of tomato juice. U. S. v. Woodruff Canning Co., Inc. Plea of guilty. Fine, \$125. (F. D. C. No. 29164. Sample Nos. 46354-K to 46356-K, incl., 64099-K, 64451-K.)

INFORMATION FILED: May 16, 1950, Southern District of Indiana, against Woodruff Canning Co., Inc., Goldsmith, Ind.

ALLEGED SHIPMENT: On or about October 26 and November 2, 9, and 21, 1949, from the State of Indiana into the States of Illinois and Minnesota.

LABEL, IN PART: "New Lancaster Tomato Juice Packed by New Lancaster Canning Co. Elwood, Indiana" or "Wocco Tomato Juice * * * Packed by Woodruff Canning Co., Inc. Goldsmith, Ind."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 1, 1950. A plea of guilty having been entered, the court fined the defendant \$125.

16406. Adulteration of tomato juice. U. S. v. 372 Cases * * *. (F. D. C. No. 28986. Sample No. 82216-K.)

LIBEL FILED: April 19, 1950, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about March 21 and 29, 1950, by the St. Marys Packing Co., from Van Wert, Ohio.

PRODUCT: 372 cases, each containing 24 1-pint, 2-fluid-ounce cans, of tomato juice at Bluefield, W. Va.

LABEL, IN PART: (Can) "Kroger Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 13, 1950. Default decree of condemnation and destruction. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

16407. Adulteration of tomato juice. U. S. v. 213 Cases * * *. (F. D. C. No. 29209. Sample No. 70329-K.)

LIBEL FILED: May 3, 1950, District of Kansas.

ALLEGED SHIPMENT: On or about March 31, 1950, by the St. Marys Packing Co., from Delphos, Ohio.

PRODUCT: 213 cases, each containing 24 1-pint, 2-fluid-ounce cans, of tomato juice at Wichita, Kans.

LABEL, IN PART: (Can) "Kroger Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 19, 1950. Default decree of condemnation and destruction.

16408. Adulteration of tomato juice. U. S. v. 94 Cases * * *. (F. D. C. No. 29039. Sample No. 72432-K.)

LIBEL FILED: April 6, 1950, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about November 22, 1949, by the Dupont Canning Co., from Dupont, Ind.

PRODUCT: 94 cases, each containing 24 1-pint, 2-fluid-ounce cans, of tomato juice at Manchester, Ky.

LABEL, IN PART: (Can) "Pride of Dupont * * * Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots, and of a decomposed substance by reason of the presence of decomposed tomato material; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 2, 1950. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

16409. Adulteration of bread and rolls. U. S. v. G. W. Opell Co., Inc. Plea of guilty. Fine, \$250. (F. D. C. No. 29595. Sample Nos. 51414-K, 51418-K, 72544-K, 72547-K, 72548-K.)

INFORMATION FILED: July 18, 1950, Southern District of Indiana, against G. W. Opell Co., Inc., Vincennes, Ind.

ALLEGED SHIPMENT: On or about March 15 and 16, 1949, and April 4 and 5, 1950, from the State of Indiana into the States of Illinois and Kentucky.

LABEL, IN PART: "Opell's Enriched Sandwich Thin Sliced," "Loving Cup Bread," "Cinnamon Rolls * * * Loving Cup," and "Sweetheart Enriched White Bread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the articles had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: July 28, 1950. A plea of guilty having been entered, the court imposed a fine of \$250.

CORN MEAL

16410. Adulteration of corn meal. U. S. v. David Alton Monroe, Jr. (X-Way Milling Co.). Plea of nolo contendere. Fine of \$300 on one count; sentence suspended on remaining counts, and defendant placed on probation for two years. (F. D. C. No. 29157. Sample Nos. 63814-K, 63863-K to 63866-K, incl.)

INFORMATION FILED: June 7, 1950, Middle District of North Carolina, against David Alton Monroe, Jr., trading as the X-Way Milling Co. at Laurinburg, N. C.

ALLEGED SHIPMENT: On or about October 3 and 31 and November 2, 1949, from the State of North Carolina into the State of South Carolina.

LABEL, IN PART: "X-Way Water Ground Unbolted Corn Meal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 5, 1950. A plea of nolo contendere having been entered, the defendant was fined \$300 on the first count of the information. Sentence was suspended on the remaining four counts, and the defendant was placed on probation for two years, conditioned that he bring his product and plant in full compliance with the law.

FLOUR

16411. Adulteration of flour. U. S. v. 306 Bags, etc. (F. D. C. No. 28918. Sample Nos. 34657-K, 34658-K.)

LIBLE FILED: March 23, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about November 11, 1949, from Salt Lake City, Utah.

PRODUCT: 971 100-pound bags of flour at Fresno, Calif., in possession of the Golden State Baking Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 11, 1950. The Golden State Baking Co., Fresno, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured for use other than for human consumption, under the supervision of the Food and Drug Administration. The product was denatured, and a portion was used in the manufacture of paste and the remainder in the manufacture of dog food.

16412. Adulteration of flour. U. S. v. 87 Sacks * * *. (F. D. C. No. 29659. Sample No. 74468-K.)

LIBLE FILED: July 21, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about March 14, 1950, from Newton, Kans.

PRODUCT: 87 140-pound sacks of flour at New York, N. Y., in possession of the Pep Trucking Co., Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent pellets and rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 14, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

16413. Adulteration of Kellogg's corn flakes. U. S. v. Kellogg Co. Plea of nolo contendere. Fine, \$2,000. (F. D. C. No. 28151. Sample Nos. 60847-K, 60848-K, 61244-K, 61246-K.)

INFORMATION FILED: April 24, 1950, Eastern District of Michigan, against the Kellogg Co., Battle Creek, Mich.

ALLEGED VIOLATION: On or about May 20, 1940, the defendant gave to a firm engaged in the business of shipping corn flakes in interstate commerce, at Battle Creek, Mich., a guaranty to the effect that all food products shipped or delivered to the holder of the guaranty would be neither adulterated nor misbranded under the law; and, on or about July 14 and 16, 1949, the defendant delivered under the guaranty, at Battle Creek, Mich., quantities of corn flakes that were adulterated.

LABEL, IN PART: "Kellogg's Corn Flakes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 19, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$2,000.

16414. Adulteration of field corn. U. S. v. 125 Bags * * *. (F. D. C. No. 29276. Sample No. 67812-K.)

LIBEL FILED: June 15, 1950, District of Utah.

ALLEGED SHIPMENT: On or about May 4, 1948, from San Antonio, Tex.

PRODUCT: 125 100-pound bags of field corn at Kaysville, Utah.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 7, 1950. The Clover Club Foods Co., Kaysville, Utah, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was converted into animal feed.

16415. Adulteration of rice grits. U. S. v. 1,000 Bags * * *. (F. D. C. No. 29496. Sample No. 84180-K.)

LIBEL FILED: July 10, 1950, Southern District of Ohio; amended libel filed July 12, 1950.

ALLEGED SHIPMENT: On or about June 20, 1950, by the Rice Growers Assn. of California, from Sacramento, Calif.

PRODUCT: 1,000 100-pound bags of rice grits at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 14, 1950. The Rice Growers Assn. of California, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into animal feed, under the supervision of the Federal Security Agency.

16416. Adulteration of wheat. U. S. v. 1,800 Bushels * * *. (F. D. C. No. 29248. Sample No. 21596-K.)

LIBEL FILED: On or about May 29, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about May 20, 1950, by the Manhattan Milling Co., from Manhattan, Kans.

PRODUCT: 1,800 bushels of wheat at Kansas City, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of musty and otherwise unfit grain.

DISPOSITION: June 7, 1950. The Manhattan Milling Co., Manhattan, Kans., having appeared as claimant, the court entered its finding that the product

was adulterated in that it was unfit for food by reason of being mixed or "plugged" with unfit grain and ordered that the product be released to the claimant under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. 53,800 pounds of wheat was released, and 30,330 pounds, which was found to be unfit, was denatured and used in the manufacture of feed.

16417. Adulteration of wheat. U. S. v. 4 Railroad Cars of Wheat * * *. (F. D. C. No. 29263. Sample Nos. 70441-K to 70444-K, incl.)

LIBLE FILED: June 6, 1950, District of Kansas.

ALLEGED SHIPMENT: On or about May 27, 1950, from David City, Nebr.

PRODUCT: 4 railroad cars, each containing approximately 1,800 bushels, of wheat at Marysville, Kans.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of musty wheat.

DISPOSITION: June 9, 1950. The Uhlman Grain Co., Marysville, Kans., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the salvaging of the fit portion and the conversion of the unfit portion into stock or poultry feed, under the supervision of the Food and Drug Administration. 159,460 pounds of the product was released for sale. The unfit portion, consisting of 304,800 pounds, was denatured and sold for use as poultry feed.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. **16418 to 16420**, and that was below the legal standard for milk fat content, Nos. **16421 and 16422**.

16418. Adulteration of butter. U. S. v. Essig Co-operative Dairy Assn. and Milo Ellingson. Pleas of guilty. Fine of \$400 against association and \$100 against individual. (F. D. C. No. 28206. Sample No. 57616-K.)

INFORMATION FILED: January 25, 1950, District of Minnesota, against the Essig Co-operative Dairy Assn., a corporation, Essig, Minn., and Milo Ellingson, manager of the corporation.

ALLEGED SHIPMENT: On or about August 29, 1949, from the State of Minnesota, into the State of New Jersey.

LABEL, IN PART: "The Great A. & P. Tea Co. New York Distributors Butter."

NATURE OF CHARGE: Adulteration, Section 402(a)(3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, setae, moth scales, manure, insect eggs, rodent hairs, and sediment consisting chiefly of metal fragments and straw-like fibers.

DISPOSITION: July 10, 1950. Pleas of guilty having been entered, the court imposed a fine of \$400 against the association and \$100 against the individual.

16419. Adulteration of butter. U. S. v. Padua Cooperative Creamery Assn.
Plea of guilty. Fine of \$150 on count 1; imposition of sentence suspended on count 2, and defendant placed on probation for three years.
 (F. D. C. No. 28147. Sample Nos. 24664-K, 44990-K.)

INFORMATION FILED: May 22, 1950, District of Minnesota, against the Padua Cooperative Creamery Assn., Padua, Minn.

ALLEGED VIOLATION: On or about June 10, 1947, the defendant gave to a firm engaged in the business of shipping butter in interstate commerce, at Padua, Minn., a guaranty to the effect that all food products shipped and delivered to the holder of the guaranty would be neither adulterated nor misbranded within the meaning of the law; and, on or about August 23 and 30, 1949, the defendant delivered under the guaranty, at Padua, Minn., quantities of butter that were adulterated.

LABEL, IN PART: (Portion) "Paul Bunyan * * * Bulk Butter."

NATURE OF CHARGE: Adulteration, Section 402(a)(3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hairs, fly setae, manure fragments, mites, sediment, and feather barbules.

DISPOSITION: August 11, 1950. A plea of guilty having been entered, the court imposed a fine of \$150 on count 1, suspended the imposition of sentence on count 2, and placed the firm on probation for 3 years.

16420. Adulteration of butter. U. S. v. 135 Cartons, etc. (16,128 pounds, total).
 (F. D. C. No. 25831. Sample Nos. 25415-K, 25844-K.)

LIBEL FILED: August 19, 1948, District of Minnesota.

ALLEGED SHIPMENT: On or about July 27 and August 11, 1948, by The Enoch Schultz Creamery, from Bismarck, N. Dak.

PRODUCT: 252 64-pound cartons of butter at St. Paul, Minn.

NATURE OF CHARGE: Adulteration, Section 402(a)(3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, rodent hairs, insect fragments, mites, manure fragments, and sediment; and, Section 402(a)(4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 21, 1949. Enoch Schultz of Bismarck, N. Dak., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be reprocessed under the supervision of the Food and Drug Administration. 3 cartons were found to be fit for human consumption and were released, and the remaining 249 cartons were converted into soap stock.

16421. Adulteration and misbranding of butter. U. S. v. 9 Cartons (540 pounds)
 * * *. (F. D. C. No. 29105. Sample No. 57542-K.)

LIBEL FILED: March 22, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about March 9, 1950, by the Williamstown Butter & Cheese Co., New Hampton, Iowa.

PRODUCT: 9 60-pound cartons of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed By Zenith-Godley Co. N. Y."

NATURE OF CHARGE: Adulteration, Section 402(b)(2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), the label statement "Butter" was false and misleading since the product contained less than 80 percent of milk fat.

DISPOSITION: April 6, 1950. Zenith-Godley Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be reprocessed to a legal butterfat content, under the supervision of the Food and Drug Administration.

16422. Adulteration of butter. U. S. v. 37 Cases * * *. (F. D. C. No. 28550.)
Sample No. 33167-K.)

LIBLE FILED: November 10, 1949, District of Hawaii.

ALLEGED SHIPMENT: On or about October 28, 1949, by C. A. Swanson & Sons, of Omaha, Nebr., from San Francisco, Calif.

PRODUCT: 37 cases, each containing 24 1-pound tins, of butter at Honolulu, T. H.

LABEL, IN PART: "Swanson's Ever Fresh Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 16, 1950. C. A. Swanson & Sons, claimant, having admitted that the product was adulterated, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking and repacking, under the supervision of the Food and Drug Administration.

CHEESE

16423. Adulteration of Cheddar cheese. U. S. v. Ray Umland (Cissna Park Cheese Co.). Plea of nolo contendere. Fine of \$200, plus costs. (F. D. C. No. 28144. Sample No. 43306-K.)

INFORMATION FILED: March 27, 1950, Eastern District of Illinois, against Ray Umland, trading as the Cissna Park Cheese Co., Cissna Park, Ill.

ALLEGED VIOLATION: On or about June 12, 1947, the defendant gave to a firm engaged in the business of shipping cheese in interstate commerce, at Dixon, Ill., a guaranty to the effect that all cheese shipped and delivered to the holder of the guaranty would be neither adulterated nor misbranded under the law; and, on or about September 19, 1949, the defendant shipped and delivered under the guaranty, at Cissna Park, Ill., a quantity of Cheddar cheese that was adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments and manure, and by reason of the use of filth-contaminated milk in the preparation of the article.

DISPOSITION: July 5, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$200, plus costs.

16424. Adulteration of Cheddar cheese. U. S. v. 5 Boxes * * *. (F. D. C. No. 29348. Sample No. 74962-K.)

LIBLE FILED: June 5, 1950, District of New Mexico.

ALLEGED SHIPMENT: On or about April 23, 1950, from Portales, N. Mex., to El Paso, Tex., by the New Mexico Plains Cooperative Creamery. The product subsequently was returned to Portales, N. Mex., by the consignee.

PRODUCT: 5 boxes, each containing approximately 50 pounds, of Cheddar cheese at Portales, N. Mex.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts, manure, and dirt, and by reason of the use of filthy milk in its preparation.

DISPOSITION: July 7, 1950. Default decree of condemnation and destruction.

16425. Adulteration of cheese. U. S. v. 14 Boxes * * *. (F. D. C. No. 29385.)
Sample No. 74112-K.)

LIBEL FILED: July 5, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about June 21, 1950, by Joe Schmid, from Beaver Dam, Wis.

PRODUCT: 14 boxes, each containing 6 5-pound loaves, of cheese at New York, N. Y.

LABEL, IN PART: "Lion Brand Cheese Muenster Type Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the use of dirty milk in its manufacture and the presence of rodent hairs and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 24, 1950. Default decree of condemnation. The court ordered that one loaf from each of six boxes of the product be delivered to the Food and Drug Administration, and that the remainder of the product be destroyed.

EGGS

16426. Adulteration of eggs. U. S. v. 323 Cases * * *. (F. D. C. No. 29198.)
Sample No. 31697-K.)

LIBEL FILED: April 27, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about April 11 and 17, 1950, by Bryson's, from Salt Lake City, Utah.

PRODUCT: 323 cases, each containing 30 dozen, of eggs at Burbank, Calif.

LABEL, IN PART: (Portion) "Milk White Eggs Packed By Utah Poultry And Farmers Cooperative Salt Lake City Utah."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten eggs, and it was otherwise unfit for food by reason of the presence of bloody eggs.

DISPOSITION: May 9, 1950. W. R. Perry, Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of segregating the good eggs from the bad, under the supervision of the Federal Security Agency. The eggs were segregated by candling and cracking. The passable eggs were packed as frozen whole eggs in 30-pound cans. A total of approximately 126 $\frac{4}{5}$ cases of the eggs were found unfit.

16427. Adulteration of frozen eggs. U. S. v. 525 Cans, etc. (F. D. C. No. 29289.)
Sample No. 34420-K.)

LIBEL FILED: June 28, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about March 10, 1950, by the American Produce Co., from Sioux City, Iowa.

PRODUCT: 582 cans, each containing 30 pounds, of frozen eggs at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: August 10, 1950. Default decree of condemnation. The court ordered that 126 cans of eggs, which had been seized, be destroyed.

16428. Adulteration of frozen eggs. U. S. v. 65 Cans * * * (and 1 other seizure action). (F. D. C. Nos. 29253, 29254. Sample Nos. 60227-K, 60228-K.)

LABELS FILED: June 2, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 1 and 30, 1950, by Dick's Produce Co., from Colfax, Iowa.

PRODUCT: 136 30-pound cans of frozen eggs at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs. A portion of the article, consisting of 71 cans, was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 25, 1950. The libel proceedings having been consolidated and John L. Dick, Colfax, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. A total of 40 30-pound cans of eggs was found to be unfit and was destroyed.

FISH AND SHELLFISH

16429. Adulteration of frozen whiting. U. S. v. 856 Boxes * * *. (F. D. C. No. 29329. Sample No. 79682-K.)

LABEL FILED: May 19, 1950, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 17, 1950, by the Cumberland Cold Storage Co., account Casco Bay Fisheries, from Portland, Maine.

PRODUCT: 856 10-pound boxes of frozen whiting at Gloucester, Mass.

LABEL, IN PART: (Box) "H and D Whiting (Scaled) Packed by Casco Bay Fisheries So. Portland, Me."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: June 27, 1950. Default decree of condemnation and destruction.

16430. Adulteration of frozen whiting. U. S. v. 907 Boxes * * *. (F. D. C. No. 29214. Sample No. 72484-K.)

LABEL FILED: May 9, 1950, Southern District of Indiana.

ALLEGED SHIPMENT: On or about March 10, 1950, by the Booth Fisheries Corp., from North Truro, Mass.

PRODUCT: 907 15-pound boxes of frozen whiting at Indianapolis, Ind.

LABEL, IN PART: "H & G Whiting Frosted Fish."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: July 20, 1950. Default decree of forfeiture and destruction.

16431. Adulteration of kippered herring. U. S. v. 47 Cases * * *. (F. D. C. No. 29259. Sample No. 35043-K.)

LIBEL FILED: June 5, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about March 29, 1950, from Aberdeen, Scotland.

PRODUCT: 47 cases, each containing 14 pounds, of kippered herring at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy fish. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 10, 1950. Default decree of condemnation and destruction.

16432. Misbranding of flaked fish. U. S. v. 365 Cases * * *. (F. D. C. No. 28526. Sample Nos. 57425-K, 57431-K.)

LIBEL FILED: January 17, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about September 11 and October 9, 1946, from Iceland.

PRODUCT: 365 cases, each containing 48 15-ounce cans, of flaked fish at New York, N. Y.

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Made from Fresh Haddock" which appeared on cans contained in certain cases, was false and misleading as applied to the product in those cans, which was not haddock. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: August 21, 1950. North Atlantic Fishery Products, Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

16433. Adulteration and misbranding of oysters. U. S. v. Sam G. Bulldis (National Fish & Oyster Co.). Plea of not guilty. Tried to the jury. Verdict of guilty. Fine, \$150.01. (F. D. C. No. 25314. Sample No. 36828-K.)

INFORMATION FILED: April 22, 1949, Western District of Washington, against Sam G. Bulldis, trading as the National Fish & Oyster Co., Tacoma, Wash.

ALLEGED VIOLATION: On or about January 28, 1948, the defendant gave to a firm engaged in the business of shipping oysters in interstate commerce, at Seattle, Wash., a guaranty to the effect that no oysters sold by the defendant would be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about March 29, 1948, the defendant sold and delivered to the holder of the guaranty, at Seattle, Wash., a quantity of oysters that were adulterated and misbranded.

NATURE OF CHARGE: Count 1. Adulteration, Section 402 (b) (2), a product consisting of water and oysters which were not thoroughly drained before packing into the containers for shipments, had been substituted for oysters.

Count 2. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters since the oysters were not thoroughly drained before packing and were packed with added water; and, Section 403 (g) (2), the product did not bear the name of the food, namely, "Pacific Oysters, Size 8 to 10 per pint," "Raw Pacific Oysters, Size 8 to 10 per pint," or "Shucked Pacific Oysters, Size 8 to 10 per pint," as specified in the definition and standard of identity for oysters.

DISPOSITION: A plea of not guilty having been entered, the matter came on for trial before the jury on May 3, 1950. On May 5, 1950, a verdict of guilty was handed down, and on May 15, 1950, the defendant having filed motions for a judgment of acquittal, or for a new trial, which motions were denied, the court imposed a fine of 1 cent on count 1 and \$150 on count 2.

16434. Misbranding of oysters. U. S. v. T. W. Hamilton & Co., a partnership, and Theron W. Hamilton. Plea of guilty. Fine, \$100. (F. D. C. No. 29134. Sample Nos. 2378-K, 2379-K.)

INFORMATION FILED: April 18, 1950, Eastern District of Virginia, against T. W. Hamilton & Co., a partnership, Chincoteague, Va., and Theron W. Hamilton, partner and plant manager.

ALLEGED SHIPMENT: On or about November 4, 1949, from the State of Virginia into the State of Ohio.

LABEL, IN PART: "Oysters selects [or "Standards"] Delicious Oysters One Pint Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cans contained less than the labeled "One Pint Net."

DISPOSITION: May 1, 1950. A plea of guilty having been entered, the court imposed a fine of \$100.

16435. Adulteration and misbranding of canned shrimp. U. S. v. 76 Cases, etc. (and 2 other seizure actions). (F. D. C. Nos. 28740, 28836, 28878. Sample Nos. 60572-K to 60576-K, incl.)

LIBELS FILED: On or about February 13 and March 9 and 14, 1950, Northern District of Illinois; amended libel filed May 18, 1950.

ALLEGED SHIPMENT: On or about December 31, 1949, and January 20, 1950, by Morgan City Canning Co., Inc., from Houma, La.

PRODUCT: 599 cases, each containing 48 5-ounce cans, of shrimp at Chicago, Ill.

LABEL, IN PART: (350 Cases) "Hamilton's [or (249 Cases) "Bayou Rose Brand"] Wet Pack Shrimp."

NATURE OF CHARGE: 350 cases. Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

249 Cases. Misbranding, Section 403 (h) (2), the product fell below the standard of fill of container for canned wet pack shrimp in nontransparent containers since the cut-out weight of shrimp taken from each can was less than 64 percent of the water capacity of the container, and its label failed to bear a statement that it fell below the standard.

DISPOSITION: May 29, 1950. Hamilton Foods, Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the misbranded portion of the shrimp

be released under bond to be relabeled and that the adulterated portion be destroyed, under the supervision of the Food and Drug Administration.

16436. Adulteration of frozen breaded shrimp. U. S. v. 99 Cartons, etc.
(F. D. C. No. 29292. Sample Nos. 47558-K, 47559-K.)

LIBEL FILED: June 28, 1950, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 8 and 9, 1950, by the Consolidated Processing Corp., from Miami, Fla.

PRODUCT: Frozen breaded shrimp. 99 cartons, each containing 10 3-pound packages, and 208 cartons, each containing 36 10-ounce packages, at Pittsburgh, Pa.

LABEL, IN PART: "Gold-N-Maid * * * Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: August 4, 1950. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES*

CANNED FRUIT

16437. Misbranding of canned cherries. U. S. v. 62 Cases * * *. (F. D. C. No. 28842. Sample No. 75420-K.)

LIBEL FILED: February 13, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about July 14, 1949, by Intermountain Food Co., Inc., from Provo, Utah.

PRODUCT: 62 cases, each containing 24 1-pound, 14-ounce cans, of cherries at Denver, Colo.

LABEL, IN PART: "Mellhorn Quality Unpitted Dark Sweet Cherries in Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (2), the article fell below the standard of fill of container for canned cherries since there was not present in the container the maximum quantity of the optional cherry ingredient which could be sealed in the container and processed by heat to prevent spoilage, without crushing such ingredient, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: July 28, 1950. The Intermountain Food Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that all cases of the article identified as Code 501 be released under bond for relabeling, under the supervision of the Federal Security Agency, and that the other cases of the article be released without bond to the claimant.

16438. Misbranding of canned peaches. U. S. v. 224 Cases * * *. (F. D. C. No. 29086. Sample No. 34909-K.)

LIBEL FILED: May 2, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about April 11, 1950, by the Planada Packers, Planada, Calif.

*See also No. 16403.

PRODUCT: 224 cases, each containing 24 1-pound, 14-ounce cans, of peaches at Bronx, N. Y.

LABEL, IN PART: (Can) "A&P Halved Yellow Freestone Peaches In Extra Heavy Syrup Home Style Elberta."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the optional packing medium present since the label bore the statement "In Extra Heavy Syrup" and the product was packed in heavy sirup.

DISPOSITION: July 28, 1950. The Planada Packers, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

16439. Adulteration of canned black raspberries. U. S. v. 254 Cases * * *.
(F. D. C. No. 29220. Sample No. 72483-K.)

LABEL FILED: May 10, 1950, Southern District of Indiana.

ALLEGED SHIPMENT: On or about August 18, 1949, by the Paw Paw Canning Co., from Paw Paw, Mich.

PRODUCT: 254 cases, each containing 6 6-pound, 7-ounce cans, of black raspberries at Indianapolis, Ind.

LABEL, IN PART: "Pleasant Flavor Black Raspberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: July 10, 1950. Default decree of forfeiture and destruction.

FROZEN FRUIT

16440. Adulteration of frozen blackberries. U. S. v. Fruitcrest Corp. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 26701. Sample No. 37359-K.)

INFORMATION FILED: June 2, 1950, Western District of Washington, against the Fruitcrest Corp., Brooklyn and Dundee, N. Y.

ALLEGED SHIPMENT: On or about August 13, 1948, from the State of Washington into the State of New York.

LABEL, IN PART: "Olympic Blackberries Unsweetened."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of worms, and of a decomposed substance by reason of the presence of rotten blackberries.

DISPOSITION: July 10, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$500.

VEGETABLES AND VEGETABLE PRODUCTS

16441. Adulteration of canned pork and beans. U. S. v. Tolerton & Warfield Co. (Norfolk Packing Co.), a corporation, and Elmer H. Bernhardt. Pleas of nolo contendere. Corporation fined \$400, plus costs; individual defendant fined \$100. (F. D. C. No. 29175. Sample No. 55733-K.)

INFORMATION FILED: June 7, 1950, District of Nebraska, against the Tolerton & Warfield Co., a corporation, trading as the Norfolk Packing Co., Plattsmouth, Nebr., and Elmer H. Bernhardt, general manager.

ALLEGED SHIPMENT: On or about October 8, 1949, from the State of Nebraska into the State of Missouri.

LABEL, IN PART: (Can) "Finest Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 8, 1950. Pleas of nolo contendere having been entered, the corporation was fined \$400, plus costs, and the individual defendant \$100.

16442. Adulteration and misbranding of canned green beans. U. S. v. 277 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 28925, 28973. Sample Nos. 67958-K, 67966-K.)

LIBELS FILED: March 27 and April 26, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about November 7, 1949, and February 13, 1950, by the Northwest Packing Co., from Portland and Brooklyn, Oreg.

PRODUCT: 422 cases, each containing 6 6-pound, 5-ounce cans, of green beans at Denver, Colo.

LABEL, IN PART: "Solitaire Whole Green String-Less Beans."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned green beans since it had not been so processed by heat as to prevent spoilage.

DISPOSITION: June 5, 1950. The Northwest Packing Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for the segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration. 22 cases and 5 cans were destroyed, and 341 cases and 2 cans were found fit for human consumption and were released.

16443. Misbranding of canned peas. U. S. v. 542 Cases * * *. (F. D. C. No. 29217. Sample No. 54566-K.)

LIBEL FILED: May 9, 1950, Northern District of Alabama.

ALLEGED SHIPMENT: On or about January 7, and 16, 1950, by Stokely Foods, Inc., from Tipton, Ind., and Gibson City, Ill.

PRODUCT: 542 cases, each containing 24 1-pound, 1-ounce cans, of peas at Birmingham, Ala.

LABEL, IN PART: "Glen Valley Brand Early June Peas."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned peas since the alcohol-insoluble solids of

the peas in the container were more than 23.5 percent, and the label failed to bear the statement that the product fell below the standard.

DISPOSITION: June 7, 1950. Stokely-Van Camp, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond, to be relabeled under the supervision of the Food and Drug Administration.

16444. Adulteration of canned pumpkin. U. S. v. 240 Cases * * *. (F. D. C. No. 28962. Sample No. 43262-K.)

LIBEL FILED: April 11, 1950, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about March 2, 1950, by the C. D. Kenny Co., from Columbus, Ohio.

PRODUCT: 240 cases, each containing 6 1-pound, 13-ounce cans, of pumpkin at Blissfield, Mich.

LABEL, IN PART: "Kenny's Golden Pumpkin."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 9, 1950. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

TOMATOES AND TOMATO PRODUCTS*

16445. Adulteration of canned tomatoes. U. S. v. 119 Cases * * *. (F. D. C. No. 29281. Sample No. 48746-K.)

LIBEL FILED: June 20, 1950, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 28, 1950, by the Violet Packing Co., From Williamstown, N. J.

PRODUCT: 119 cases, each containing 24 cans, of tomatoes at Wilkes-Barre, Pa.

LABEL, IN PART: (Can) "Topper Tomatoes Contents 1 Lb. 12 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: July 21, 1950. Default decree of condemnation and destruction.

16446. Adulteration and misbranding of tomato puree. U. S. v. Akin Food Products Co., Inc., and Harold L. Akin. Pleas of guilty. Fine of \$200 against corporation; fine of \$100 against individual defendant suspended, and defendant placed on probation for 5 years. (F. D. C. No. 29143. Sample Nos. 54286-K, 54310-K.)

INFORMATION FILED: April 28, 1950, Southern District of Texas, against Akin Food Products Co., Inc., Mission, Tex., and Harold L. Akin, president.

ALLEGED SHIPMENT: On or about September 23, 1949, from the State of Texas into the State of Louisiana.

LABEL, IN PART: "Val-Tex Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

*See also Nos. 16404-16408.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids.

DISPOSITION: May 8, 1950. Pleas of guilty having been entered, the corporation was fined \$200. A fine of \$100 against the individual defendant was suspended, and this defendant was placed on probation for 5 years.

SPICES, FLAVORS, AND SEASONING MATERIALS

16447. Adulteration of paprika. U. S. v. 1 Barrel * * *. (F. D. C. No. 29221. Sample No. 72722-K.)

LIBEL FILED: May 10, 1950, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 4, 1949, from Lebanon, Ind.

PRODUCT: 1 120-pound barrel of paprika at Washington Court House, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 19, 1950. Default decree of destruction.

16448. Adulteration of barbecue sauce. U. S. v. 372 Cases * * *. (F. D. C. No. 29255. Sample No. 72723-K.)

LIBEL FILED: May 29, 1950, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 2, 1949, from Lebanon, Ind.

PRODUCT: 372 cases, each containing 24 No. 1 cans, of barbecue sauce at Washington Court House, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 19, 1950. Default decree of destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

16449. Adulteration and misbranding of vitamin-mineral capsules. U. S. v. 26 Bottles * * *. (F. D. C. No. 29017. Sample No. 48732-K.)

LIBEL FILED: March 21, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 28, 1948, from Brooklyn, N. Y. Analysis showed that the product was approximately 70 percent deficient in vitamin B₁ (thiamine chloride).

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Each Capsule Contains * * * Thiamine Chloride (B₁) 10.0 mg." was false and misleading as applied to an article which contained less than the stated amount of thiamine chloride.

The article was adulterated and misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: June 13, 1950. Default decree of condemnation. The court ordered that the product be delivered to a local hospital, conditioned upon the relabeling of the bottles under the supervision of the Food and Drug Administration to show the correct potency of the capsules.

16450. Adulteration and misbranding of Neo-Mineral. U. S. v. 126 Bottles
* * * (and 2 other seizure actions). (F. D. C. Nos. 28956, 28957,
29212. Sample Nos. 33591-K, 33592-K, 50593-K.)

LIBELS FILED: April 13 and 17 and May 13, 1950, Northern District of California
and District of Oregon.

ALLEGED SHIPMENT: On or about September 9, 12, and 23, 1949, by the Trojanol Products Co., from Detroit, Mich., and Los Angeles, Calif.

PRODUCT: Neo-Mineral. 126 bottles at Lodi, Calif., 42 bottles at Antioch, Calif., and 97 bottles at Salem, Oreg.

LABEL, IN PART: "Neo-Mineral * * * Two Teaspoonfuls of this mineral extract will supply twice the minimum daily adult iron (FE) requirement. Minimum daily adult requirement, 10 MGM * * * 3 fluid ounces net."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, iron, had been in part omitted.

Misbranding, Section 403 (a), the label statement "Two Teaspoonfuls of this mineral extract will supply twice the minimum daily adult iron (FE) requirement" was false and misleading as applied to an article which contained less than 20 milligrams of iron per two teaspoonfuls.

DISPOSITION: May 10, July 10, and August 10, 1950. Default decrees of condemnation and destruction.

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¹ (16433) Prosecution contested.

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¹ (16433) Prosecution contested.

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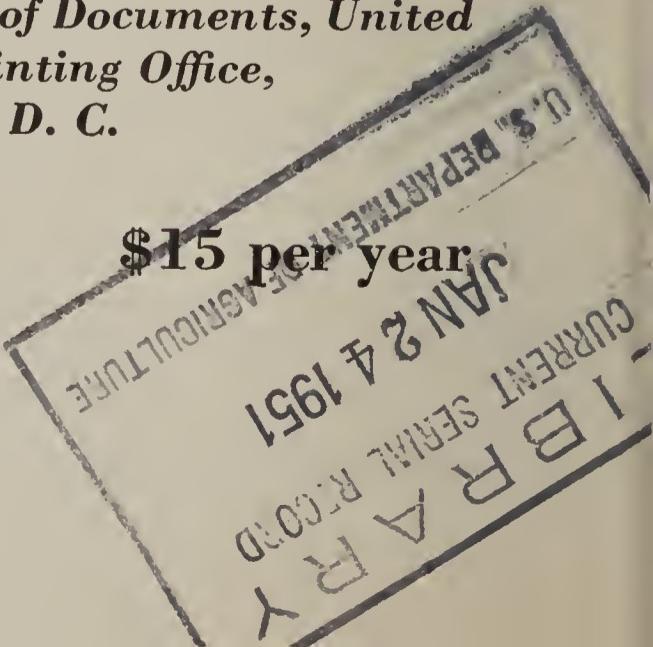
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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

16451-16500

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency, and include, where indicated, the results of investigations of the Agency, prior to the institution of the proceedings. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., December 13, 1950

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BEVERAGES AND BEVERAGE MATERIALS

16451. Adulteration and misbranding of canned orangeade. U. S. v. 1,000 Cases, etc. (F. D. C. No. 29087. Sample Nos. 54903-K, 54905-K.)

LIBLE FILED: April 28, 1950, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about March 20 and 27 and April 11 and 14, 1950, by Sansaw Products, Inc., from Houston, Tex.

PRODUCT: 1,644 cases, each containing 12 1-quart, 14-fluid-ounce cans, of orangeade at New Orleans, La.

LABEL, IN PART: "Green Spot Orangeade Pasteurized Not Carbonated No Preservatives Contains: Filtered Water, Orange Juice, Sugar, Fruit Acid, Orange Oil, U. S. Certified Food Color Net Contents 1 Qt. 14 Fl. Oz. Delightfully delicious and tasty from the juice of tree ripened fruit Nature's food and drink tastes best Good for you" or "Green Spot Orange A Real Fruit Drink Not Carbonated No Preservatives Pasteurized for purity Contains Filtered Water, Orange Juice, Sugar, Fruit Acid, Orange Oil, U. S. Certified Food Color. Net Contents 1 Qt. 14 Fl. Oz. * * * Delightfully delicious and tasty—from tree ripened fruit."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), the vitamin C constituent of orange juice had been in whole or in part omitted or abstracted from the product; and, Section 402 (b) (4), yellow coal-tar dyes had been mixed with the product so as to make it appear to be better and of greater value than it was, namely, an article containing substantially more orange juice than was actually present.

Further adulteration, Section 402 (b) (4), the product consisted of a mixture of reconstituted orange juice to which had been added additional water, sugar, dextrose, citric acid, and orange oil emulsion, which substances so added to the product increased the bulk thereof and made it appear to be better and of greater value than it was, namely, an article containing substantially more orange juice than was actually present.

Misbranding, Section 403 (a), the various label statements "Orangeade," "Orangeade Nature's food and drink * * * Good for you," "from the juice of tree ripened fruit," "Orange," "A Real Fruit Drink," and "from tree ripened fruit," and the general design of the labels, predominately orange in color, simulating the skin of an orange with drops of orange juice and pictures of a pitcher and glasses containing an orange-colored liquid, were false and misleading since they represented and suggested that the product was composed in whole or in a large part of orange juice, whereas it contained only 15 percent reconstituted orange juice and only a small fraction of the vitamin C content of orange juice.

The product was further misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce, within the meaning of Section 403 (a), in that the labeling failed to reveal the fact that the article contained in insignificant amount of orange juice and was essentially devoid of vitamin C, a fact which was material in the light of the label statements and the general design of the labels, which as used on the cans in which the product was packed, and displayed in retail grocery stores in juxtaposition or close placement to orange and other fruit juices packed in cans of similar size and shape, created the impression that the article was orange juice or its equivalent, when, in fact, it contained only about 15 percent reconstituted orange juice and was essentially devoid of vitamin C.

DISPOSITION: August 1, 1950. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

16452. Adulteration of peach nectar. U. S. v. Pure Foods Corp. and Harold Fisch. Pleas of nolo contendere. Corporation fined \$1,001; individual defendant placed on probation for two years. (F. D. C. No. 29155. Sample Nos. 58645-K, 58658-K.)

INFORMATION FILED: May 25, 1950, Southern District of California, against the Pure Foods Corp., Los Angeles, Calif., and Harold Fisch, secretary and plant manager.

ALLEGED SHIPMENT: On or about November 7 and December 28, 1949, from the State of California into the State of Washington.

LABEL, IN PART: "Golden Flow Brand Peach Nectar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect-fragments, and insect excreta.

DISPOSITION: August 14, 1950. Pleas of nolo contendere having been entered, the corporation was fined \$1,001. Sentence against the individual was suspended, and he was placed on probation for two years.

16453. Adulteration of tomato juice. U. S. v. St. Marys Packing Co. Plea of guilty. Fine of \$600, plus costs. (F. D. C. No. 29599. Sample Nos. 67404-K, 68973-K, 82216-K.)

INFORMATION FILED: July 20, 1950, Northern District of Ohio, against the St. Marys Packing Co., a corporation, Van Wert, Ohio.

ALLEGED SHIPMENT: Between the approximate dates of November 21, 1949, and March 29, 1950, from the State of Ohio into the States of West Virginia and Pennsylvania.

LABEL, IN PART: (Can) "Kroger Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: August 14, 1950. A plea of guilty having been entered, the court imposed a fine of \$600, plus costs.

16454. Misbranding of tomato juice. U. S. v. 49 Cases * * *. (F. D. C. No. 28647. Sample No. 47782-K.)

LIBEL FILED: January 11, 1950, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about December 1, 1949, by the Degriff Packing Co., from Degriff, Ohio.

PRODUCT: 49 cases, each containing 24 1-pint, 2-ounce cans, of tomato juice at Charleston, W. Va. Examination showed that some of the cans contained tomatoes while others contained tomato juice.

LABEL, IN PART: "Blossomtime Tomato Juice."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Tomato Juice" was false and misleading since some cans of the article contained tomatoes while others contained tomato juice.

DISPOSITION: July 24, 1950. The Degriff Packing Co. having appeared as claimant, judgment of condemnation was entered against the portion of the

product which was misbranded. The court ordered that the misbranded cans be segregated by the claimant, under the supervision of the Federal Security Agency, and delivered to a charitable institution, and that the remaining cans be released to the claimant. Examination showed that 9 cases and 4 cans contained tomatoes.

16455. Adulteration and misbranding of coffee. U. S. v. 27 Bags * * *. (F. D. C. No. 29342. Sample No. 79349-K.)

LIBEL FILED: On or about June 7, 1950, District of Rhode Island.

ALLEGED SHIPMENT: On or about April 24, 1950, from Boston, Mass.

PRODUCT: 27 1-pound bags of coffee in possession of Franco's Self Service Market, Providence, R. I.

LABEL, IN PART: (Bag) "Franco's Mello-Rich Coffee."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), chicory had been substituted in part for coffee; and, Section 402 (b) (4), chicory had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength and make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the label designation "Coffee" was false and misleading since the product consisted of a mixture of ground coffee and ground chicory.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: July 10, 1950. Default decree of condemnation and destruction.

CANDY AND MISCELLANEOUS SACCHARINE PRODUCTS

16456. Adulteration of candy. U. S. v. Sifers Chocolate Syrup Co., Inc., and Earl I. Sifers. Pleas of guilty. Each defendant fined \$280, plus costs. (F. D. C. No. 29163. Sample Nos. 69999-K, 70023-K, 70027-K, 70925-K, 70927-K, 70928-K, 72372-K, 72664-K.)

INFORMATION FILED: May 22, 1950, District of Kansas, against Sifers Chocolate Syrup Co., Inc., Iola, Kans., and Earl I. Sifers, president.

ALLEGED SHIPMENT: Between the approximate dates of November 14 and December 13, 1949, from the State of Kansas into the States of Missouri, Oklahoma, and Ohio.

LABEL, IN PART: "Sifers Milk Chocolate Clusters [or "Dreams" or "Honeycomb Chips"]" and "Sifers Cocoanut Twins [or "Pecan-Brazil Bar" or "Peco Flake"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects and insect parts, rodent excreta and fragments, and rodent hair and fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 22, 1950. Pleas of guilty having been entered, each defendant was fined \$280, plus costs.

16457. Adulteration of candy. U. S. v. Bernard C. Crane (Crane Candy Co.). Plea of guilty. Fine, \$50. (F. D. C. No. 29138. Sample No. 61564-K.)

INFORMATION FILED: April 12, 1950, Western District of Arkansas, against Bernard C. Crane, trading as the Crane Candy Co., at Harrison, Ark.

ALLEGED SHIPMENT: On or about October 4, 1949, from the State of Arkansas into the State of Missouri.

LABEL, IN PART: "French Creams."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of larval cast skins, head capsules, and insect fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 12, 1950. A plea of guilty having been entered, the court imposed a fine of \$50.

16458. Misbranding of stick candy. U. S. v. 31 Boxes * * *. (F. D. C. No. 29224. Sample No. 54577-K.)

LIBEL FILED: May 12, 1950, Northern District of Alabama.

ALLEGED SHIPMENT: On or about January 9, 1950, by the Lovelace Candy Co., Nashville, Tenn.

PRODUCT: 31 boxes, each containing 24 bundles, of stick candy at Paint Rock, Ala.

LABEL, IN PART: "Dixie Bundle * * * 2 Ozs. or More."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The bundles were short of the declared weight.)

DISPOSITION: June 14, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

16459. Adulteration and misbranding of cane and maple sirup. U. S. v. 49 Cases * * *. (F. D. C. No. 29365. Sample No. 79606-K.)

LIBEL FILED: June 19, 1950, District of Maine.

ALLEGED SHIPMENT: On or about October 19, 1949, and March 8, 1950, by S. C. Clayton Co., Inc., from Boston, Mass.

PRODUCT: 49 cases, each containing 24 12-ounce bottles, of cane and maple sirup at Portland, Maine. Investigation disclosed that the product contained approximately 6 percent maple sirup.

LABEL, IN PART: (Bottle) "Table Syrup Cane Syrup 80% Pure Maple Syrup 20% * * * Nation Wide."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a sirup containing approximately 6 percent maple sirup had been substituted for a sirup represented to contain 20 percent maple sirup.

Misbranding, Section 403 (a), the label statement "Pure Maple Syrup 20%" was false and misleading.

DISPOSITION: June 30, 1950. The shipper of the product having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be delivered to charitable institutions for their use, and not for sale.

16460. Misbranding of cane and maple sirup. U. S. v. 25 Cases * * *. (F. D. C. No. 29199. Sample No. 67413-K.)

LIBEL FILED: May 3, 1950, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about March 7, 1950, by the Virginia Syrup & Candy Corp., from Roanoke, Va.

PRODUCT: 25 cases, each containing 12 12-ounce bottles, of cane and maple sirup at Bluefield, W. Va.

LABEL, IN PART: "Virginia Maple Brand Syrup Made From Cane And Maple Sugars."

NATURE OF CHARGE: Misbranding, Section 403 (a), the designation "Virginia Maple," the design of a maple leaf, and the statement "Made From Cane And Maple Sugars," appearing on the label, were false and misleading as applied to an article which contained no, or an inconsequential amount of, maple sugar or maple sirup.

DISPOSITION: June 13, 1950. Default decree of condemnation and destruction.

16461. Adulteration and misbranding of maple sirup. U. S. v. 7 Cases * * *.
(F. D. C. No. 29327. Sample No. 74503-K.)

LIBEL FILED: May 22, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about April 24, 1950, from Towanda, Pa.

PRODUCT: 7 cases, each containing 12 bottles, of maple sirup at Jeffersonville, N. Y.

LABEL, IN PART: (Bottle) "100% Pure Maple Syrup Made from Pure Sap of Hard Maple Wood Trees * * * One Quart * * * Net Weight 2 $\frac{3}{4}$ Lbs."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a sugar sirup artificially flavored to simulate maple sirup had been substituted for maple sirup, which the product purported to be.

Misbranding, Section 403 (a), the label statements "First 1950 Run 100% Pure Maple Syrup Made from Pure Sap of Hard Maple Wood Trees" were false and misleading since the product was sugar sirup artificially flavored to simulate maple sirup, and the label designation "One Quart" was false and misleading since the bottles contained less than one quart.

DISPOSITION: June 19, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

16462. Adulteration and misbranding of sorghum sirup. U. S. v. 20 Cases, etc.
(F. D. C. No. 28893. Sample Nos. 61500-K, 76901-K.)

LIBEL FILED: On or about March 21, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 13, 1949, by Roy R. McClain, from Little Rock, Ark.

PRODUCT: Sorghum sirup. 20 cases, each containing 6 unlabeled 1-gallon cans, and 42 cases, each containing 12 1/2-gallon cans.

LABEL, IN PART: Each case contained 6 (or 12) loose labels reading, in part, "Pure Cane Sorghum."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of sorghum and corn sirup had been substituted for sorghum, which the product was represented to be.

Misbranding, Section 403 (b), a mixture of sorghum and corn sirup had been offered for sale under the name of another food, sorghum.

DISPOSITION: June 5, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

16463. Adulteration of sugar. U. S. v. 194 Bags * * *. (F. D. C. No. 29239. Sample No. 47394-K.)

LIBEL FILED: May 22, 1950, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 12, 1949, from Cuba.

PRODUCT: 194 100-pound bags of sugar at Titusville, Pa., in possession of the Titusville Dairy Products Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 9, 1950. The Titusville Dairy Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be re-refined, under the supervision of the Food and Drug Administration.

16464. Misbranding of saccharin tablets. U. S. v. 7 Packages * * *. (F. D. C. No. 28852. Sample No. 76732-K.)

LIBEL FILED: February 16, 1950, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about June 3 and 24, 1946, by the Arrow Products Co., from Buffalo, N. Y.

PRODUCT: 7 packages, each containing 300 envelopes, of saccharin tablets at Bridgeport, Ill.

LABEL, IN PART: (Envelope) "Pure-Test Approx. 50 Tablets $\frac{1}{4}$ gr. Saccharin Soluble."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. (The packages contained less than the declared number of tablets.)

DISPOSITION: June 2, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution or be destroyed.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

16465. Adulteration of bakery products. U. S. v. Vienna Model Bakery, Inc. Plea of guilty. Fine of \$800, plus costs. (F. D. C. No. 28165. Sample Nos. 42886-K to 42888-K, incl., 42891-K, 42892-K.)

INFORMATION FILED: March 6, 1950, Northern District of Illinois, against Vienna Model Bakery, Inc., Chicago, Ill.

ALLEGED SHIPMENT: On or about June 3, 1949, from the State of Illinois into the States of Indiana, Tennessee, and Oklahoma, of quantities of sweet rolls, sandwich buns, and rye bread.

LABEL, IN PART: (Portion) "Helen Gates Icebox Rye."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insect fragments and rodent hairs; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 13, 1950. A plea of guilty having been entered, the court imposed a fine of \$800, plus costs.

16465. Adulteration of oatcakes. U. S. v. 23 Cartons * * *. (F. D. C. No. 29681. Sample No. 57465-K.)

LIBEL FILED: August 9, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about February 14 and 21, 1950, from Glasgow, Scotland.

PRODUCT: 23 cartons each containing 24 packages and each package containing 40 oatcakes at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of its rancidity. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 25, 1950. Default decree of condemnation and destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

16467. Adulteration of rice. U. S. v. 50,000 Pounds * * *. (F. D. C. No. 29522. Sample No. 85535-K.)

LIBEL FILED: August 9, 1950, District of Minnesota; amended libel filed August 10, 1950.

ALLEGED SHIPMENT: On or about July 14, 1950, by the Rice Growers Assn. of California, from Sacramento, Calif.

PRODUCT: 50,000 pounds of rice at St. Paul, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 16, 1950. The Rice Growers Assn. of California, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured for use as animal feed, under the supervision of the Federal Security Agency.

16468. Adulteration of wheat. U. S. v. 1,600 Bushels * * *. (F. D. C. No. 29490. Sample No. 70250-K.)

LIBEL FILED: On or about July 7, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about July 1, 1950, by Robbins Ranch, from Belvidere, Kans.

PRODUCT: 1,600 bushels of hard winter wheat at Kansas City, Mo. Examination showed that 77 percent of the bottom fourth of the railroad car in which the product was shipped consisted of sour wheat.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of sour wheat.

DISPOSITION: July 13, 1950. Robbins Ranch, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was converted into animal feed.

16469. Adulteration of Emulsol stabilizer (cereal product). U. S. v. 36 Bags * * *. (F. D. C. No. 29488. Sample No. 71779-K.)

LIBEL FILED: July 10, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about March 16, 1950, from Chicago, Ill.

PRODUCT: 36 100-pound bags of Emulsol stabilizer at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 1, 1950. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

16470. Adulteration of butter. U. S. v. John J. Killeas (Farmers Creamery Co.), and Forrest G. Miller. Pleas of nolo contendere. Each defendant fined \$50, plus costs. (F. D. C. No. 29148. Sample No. 72203-K.)

INFORMATION FILED: May 15, 1950, District of Nebraska, against John J. Killeas, trading as the Farmers Creamery Co., Pender, Nebr., and Forrest G. Miller, plant manager.

ALLEGED SHIPMENT: On or about January 14, 1950, from the State of Nebraska into the State of Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the product, milk fat, had been in part omitted; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 12, 1950. Pleas of nolo contendere having been entered, the court fined each defendant \$50, plus costs.

16471. Adulteration of butter. U. S. v. 17 Cartons (1,088 pounds) * * *. (F. D. C. No. 29410. Sample No. 75940-K.)

LIBEL FILED: June 15, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about June 6, 1950, by the Aneta Creamery & Produce Co., from Fargo, N. Dak.

PRODUCT: 17 64-pound cartons of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed by J. R. Kramer, Inc., New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: July 3, 1950. Harry Rappaport, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking, under the supervision of the Food and Drug Administration.

16472. Adulteration of butter. U. S. v. 45 Cases * * *. (F. D. C. No. 29411. Sample Nos. 78525-K, 78527-K.)

LIBEL FILED: June 1, 1950, District of Oregon.

ALLEGED SHIPMENT: On or about May 20, 1950, by the Nampa Creamery Co., from Nampa, Idaho.

PRODUCT: 45 cases, each containing 30 1-pound prints, of butter at Portland, Oreg.

LABEL, IN PART: (Case) "Nampa Creamery Nampa, Idaho"; (Print) "Fred Meyer Fifth Avenue Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: June 22, 1950. The Nampa Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking, under the supervision of the Federal Security Agency.

CHEESE

16473. Adulteration of Cheddar cheese. U. S. v. Northern Colorado Dairy Co.

Plea of nolo contendere. Fine, \$500. (F. D. C. No. 29420. Sample Nos. 49818-K, 49856-K, 49857-K, 49859-K, 49860-K.)

INFORMATION FILED: June 12, 1950, District of Colorado, against the Northern Colorado Dairy Co., Fort Morgan, Colo.

ALLEGED VIOLATION: On or about March 15, 1944, the defendant gave to a firm engaged in the business of shipping cheese in interstate commerce, at Denver, Colo., a guaranty to the effect that all food products shipped or delivered to the holder of the guaranty would be neither adulterated nor misbranded under the provisions of the law; and, between the approximate dates of July 19 and September 20, 1949, the defendant delivered under the guaranty, at Denver, Colo., quantities of Cheddar cheese that were adulterated.

LABEL, IN PART: "Cheddar Cheese Cloverbloom."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments and feather barbules, and by reason of the use of filth-contaminated milk in the preparation of the article.

DISPOSITION: July 6, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$500.

FEEDS AND GRAINS

16474. Adulteration and misbranding of alfalfa meal. U. S. v. Bremco Alfalfa Mills, Inc., and Arnold H. Poppe. Pleas of guilty. Corporation fined \$400, plus costs; individual defendant fined \$400. Payment of latter fine suspended. (F. D. C. No. 29179. Sample Nos. 52890-K, 72073-K.)

INFORMATION FILED: May 31, 1950, Northern District of Ohio, against Bremco Alfalfa Mills, Inc., New Bremen, Ohio, and Arnold H. Poppe, president.

ALLEGED SHIPMENT: On or about August 31 and October 26, 1949, from the State of Ohio into the States of Kentucky and Indiana.

LABEL, IN PART: "Bremco 20% Dehydrated Alfalfa Meal * * * Guaranteed Analysis Crude protein, not less than ---- 20.0% * * * Crude Fiber, not more than ---- 22.0%" and "Bremco Alfalfa Meal Protein, not less than ---- 13.0%."

NATURE OF CHARGE: Bremco 20% Dehydrated Alfalfa Meal. Adulteration, Section 402 (b) (2), a product containing less than 20 percent of crude protein and more than 22 percent of crude fiber had been substituted for alfalfa meal

containing not less than 20 percent of crude protein and not more than 22 percent of crude fiber, which the product was represented to be. Misbranding, Section 403 (a), the label statements "20% Dehydrated Alfalfa Meal * * * Guaranteed Analysis Crude protein, not less than ---- 20.0%" and "Crude Fiber, not more than ---- 22.0%" were false and misleading.

Bremco Alfalfa Meal. Adulteration, Section 402 (b) (2), a product containing less than 13 percent of protein had been substituted for alfalfa meal containing not less than 13 percent of protein, which the product was represented to be; and, Section 403 (a), the label statement "Alfalfa Meal Protein, not less than ---- 13.0%" was false and misleading.

DISPOSITION: June 15, 1950. Pleas of guilty having been entered, each defendant was fined \$400. Payment of the fine by the individual defendant was suspended upon payment of the \$400 fine by the corporation, plus costs.

16475. Adulteration and misbranding of dairy feed. U. S. v. Kentucky Chemical Industries, Inc. (Provico Feeds & Concentrates). Plea of nolo contendere. Fine, \$200. (F. D. C. No. 29108. Sample Nos. 39371-K, 39375-K.)

INFORMATION FILED: April 27, 1950, Southern District of Indiana, against the Kentucky Chemical Industries, Inc., trading as Provico Feeds & Concentrates, Lawrenceburg, Ind.

ALLEGED SHIPMENT: On or about March 2 and April 29, 1949, from the State of Indiana into the State of Kentucky.

LABEL, IN PART: "Big V Brand 16% Protein Dairy Feed * * * Guaranteed Analysis Protein, not less than ---- 16.00 (%) Fat, not less than ---- 3.50 (%)" and "Big Bargain 24% Dairy Feed * * * Guaranteed Analysis Protein, not less than ---- 24.00 (%) Fat, not less than ---- 3.00 (%)."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 16 percent protein and less than 3.50 percent fat had been substituted for the 16 percent protein dairy feed, and a product containing less than 24 percent protein and less than 3 percent fat had been substituted for the 24 percent dairy feed.

Misbranding, Section 403 (a), the label statements "16% Protein Dairy Feed * * * Guaranteed Analysis Protein, not less than ---- 16.00 (%) Fat, not less than ---- 3.50 (%)" and "24% Dairy Feed * * * Guaranteed Analysis Protein, not less than ---- 24.00 (%) Fat, not less than ---- 3.00 (%)" were false and misleading since the products contained less protein and less fat than the labeled amounts.

DISPOSITION: July 28, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$200.

16476. Adulteration and misbranding of animal feed (ground phosphate rock). U. S. v. 650 Bags * * *. (F. D. C. No. 29312. Sample No. 80970-K.)

LABEL FILED: May 12, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 27, 1950, by Ward Steed, from Inverness, Fla.

PRODUCT: 650 100-pound bags of ground phosphate rock at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a soft phosphate with colloidal clay containing less than 21.08 percent phosphoric acid and less than 32.33 percent calcium oxide had been substituted for a soft phosphate with colloidal clay containing 21.08 percent phosphoric acid and 32.33 percent cal-

cium oxide, which the article was represented to be in a letter written by the shipper.

Misbranding, Section 403 (e) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label of the article failed to bear the common or usual name of the article.

DISPOSITION: August 9, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, for use as fertilizer.

16477. Adulteration and misbranding of animal feed. U. S. v. 100 Drums, etc.
(F. D. C. No. 29093. Sample No. 80969-K.)

LIBEL FILED: On or about May 5, 1950, District of New Jersey.

ALLEGED SHIPMENT: On or about February 17, 1950, by Tri Foods, from Concordia, Mo.

PRODUCT: 100 50-pound drums and 60 100-pound drums of animal feed at Burlington, N. J.

LABEL, IN PART: (Drum) "Shearer's Emulseast Concentrate."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), a clay-like material which increased the viscosity of the mixture had been added thereto and mixed and packed therewith so as to make the article appear better or of greater value than it was.

Misbranding, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: June 12, 1950. Default decree of condemnation and destruction.

16478. Adulteration and misbranding of mineral and vitamin feed. U. S. v. 280 Bags * * *. (F. D. C. No. 29103. Sample No. 64663-K.)

LIBEL FILED: May 12, 1950, District of Minnesota.

ALLEGED SHIPMENT: On or about April 5, 1950, by the Marblehead Lime Co., from Hannibal, Mo.

PRODUCT: 280 100-pound bags of mineral and vitamin feed at Pipestone, Minn. Analysis disclosed that the product had essentially the composition declared on the label, with the exception that it contained less than the declared amount of riboflavin.

LABEL, IN PART: (Tag) "Net Weight 100 Lbs. Peavy's Feed-Rite Mineral For Hogs and Poultry * * * Ingredients (per ton) Di-Calcium Phosphate 100 lbs. Iron and Copper Blend 40 lbs. Curacao Phosphate 230 lbs. (Iron Oxide and Copper Sulphate) Defluorinated Phosphate 100 lbs. Cobalt Carbonate 0.50 lbs. Steamed Bone Meal 100 lbs. Irradiated Yeast 2 lbs. Limestone 1,198 lbs. (source of Vitamin D₂) (98% Calc. Carb. 39% Elemental Calc.) Niacin 397 grams Salt 190 lbs. Riboflavin 26 grams Potassium Iodide (stabilized) 1.25 lbs. Merck Stabilizer 2 lbs. Mineral Oil 28 lbs. Manganese Sulphate 6.50 lbs. Anise and Molasses Flavor 1 lb."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, riboflavin, had been in part omitted from the product.

Misbranding, Section 403 (a), the label statements "* * * to help fortify the hog against loss of appetite, diarrhea, paralysis of hind quarters, skin

irritation, and nutritional necro" were false and misleading since the product would not be effective for the purposes stated and implied. Further misbranding, Section 403 (a), the label statement "Ingredients (per ton) * * * Riboflavin 26 grams" was false and misleading since the product contained less than 26 grams of riboflavin per ton.

DISPOSITION: June 23, 1950. The Marblehead Lime Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, to be relabeled under the supervision of the Food and Drug Administration.

16479. Adulteration and misbranding of vitamin feeding oil. U. S. v. Thompson-Hayward Chemical Co. Plea of nolo contendere. Fine of \$50, plus costs. (F. D. C. No. 23258. Sample No. 68263-H.)

INFORMATION FILED: November 11, 1947, Western District of Missouri, against the Thompson-Hayward Chemical Co., a corporation, Kansas City, Mo.

ALLEGED SHIPMENT: On or about March 5, 1947, from the State of Missouri into the State of Kansas.

LABEL, IN PART: "Thompson Hayward Feed Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in part omitted and abstracted from the article.

Misbranding, Section 403 (a), the label statements "400 USP Vitamin A Units Per Gram" and "400 USP Units of Vitamin A Per Gram" were false and misleading since the article contained less than 400 U. S. P. units of vitamin A per gram.

DISPOSITION: May 11, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$50, plus costs.

FISH AND SHELLFISH

16480. Adulteration of frozen rosefish fillets. U. S. v. 165 Cartons * * *. (F. D. C. No. 29663. Sample No. 3393-K.)

LIBEL FILED: July 26, 1950, District of Columbia.

ALLEGED SHIPMENT: On or about July 17, 1950, by Blue Sea Fish Co., Inc., from Boston, Mass.

PRODUCT: 165 10-pound cartons of frozen rosefish fillets at Washington, D. C.

LABEL, IN PART: (Carton) "Schooner Brand Fillets Frozen Rose Fish Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: August 16, 1950. Default decree of condemnation. The court ordered that the product be delivered to the National Zoological Park for its use, and not for sale.

16481. Adulteration of crab meat. U. S. v. 22 Barrels * * *. (F. D. C. No. 29678. Sample No. 67521-K.)

LIBEL, FILED: August 4, 1950, District of Columbia.

ALLEGED SHIPMENT: On or about August 1, 1950, by Lancaster Seafoods, Inc., from Morattico, Va.

PRODUCT: 22 barrels, containing a total of 2,160 1-pound cans, of crab meat at Washington, D. C.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*.

DISPOSITION: August 11, 1950. Lancaster Seafoods, Inc., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

16482. Adulteration and misbranding of oysters. U. S. v. Dryden Bros. Seafood Co., Inc., and James H. Dryden. Pleas of guilty. Each defendant fined \$100, plus costs. (F. D. C. No. 29166. Sample Nos. 7689-K, 47214-K, 47215-K, 47225-K, 47226-K.)

INFORMATION FILED: May 16, 1950, District of Maryland, against Dryden Bros. Seafood Co., Inc., Crisfield, Md., and James H. Dryden, vice president, and in charge of plant operations.

ALLEGED SHIPMENT: On or about October 18, 1948, and November 19 and December 17, 1949, from the State of Maryland into the States of Ohio and Pennsylvania.

LABEL, IN PART: "One Pint Fresh Oysters Oysters Standards [or "Selects"]" and "One Pint D-B Brand Fresh Salt Water Oysters * * * Oysters Standards [or "Selects"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk and weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters standards and oysters selects since they were not thoroughly drained and were packed with an added substance, water; and (standards, 2 shipments), Section 403 (e) (2), the oysters failed to bear a label containing an accurate statement of the quantity of the contents since the cans bore the statement "One Pint" and contained less than one pint of the product.

DISPOSITION: June 30, 1950. Pleas of guilty having been entered, the court fined each defendant \$100, plus costs.

16483. Adulteration and misbranding of oysters. U. S. v. H. Allen Smith. Plea of guilty. Fine, \$250. (F. D. C. No. 29142. Sample Nos. 52459-K, 66828-K, 69040-K.)

INFORMATION FILED: May 15, 1950, Eastern District of Virginia, against H. Allen Smith, Cheriton, Va.

ALLEGED SHIPMENT: On or about November 16 and December 13, 1949, from the State of Virginia into the States of Ohio, West Virginia and New York.

PRODUCT: 2 shipments of oysters standards and 1 shipment of oysters extra selects.

LABEL, IN PART: "Genuine Salt Water Oysters Contents One Pint Net * * * Oysters Standards [or "Extra Selects"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), (1 shipment, standards and extra selects) water had been added to the oysters and mixed and packed with them so as to increase their bulk and weight and reduce their quality.

Misbranding, Section 403 (g) (1), (1 shipment, standards and extra selects) the oysters fell below the definition and standard of identity for

oysters standards and oysters extra selects since the total time that the oysters were in contact with water after leaving the shucker was more than thirty minutes, and the oysters were not thoroughly drained before packing into the containers for shipment. Further misbranding, Section 403 (g) (1), (extra selects) the oysters failed to conform to the definition and standard of identity for oysters extra selects since a quart of the smallest oysters selected from a gallon contained more than 58 oysters. Further misbranding, Section 403 (e) (2), (1 shipment, standards) the oysters were in package form and failed to bear a label containing an accurate statement of the quantity of the contents since the cans bore the label statement "Contents One Pint Net" and contained less than 1 pint net of oysters.

DISPOSITION: May 24, 1950. A plea of guilty having been entered, the court fined the defendant \$250.

16484. Adulteration of canned shrimp. U. S. v. 75 Cases * * *. (F. D. C. No. 28974. Sample No. 67806-K.)

LIBEL FILED: April 21, 1950, District of Utah.

ALLEGED SHIPMENT: On or about November 19, 1949, and January 31 and February 28, 1950, by the Skrmetta Seafood Co. and the Deepsouth Packing Co., from New Orleans, La.

PRODUCT: 75 cases, each containing 24 5-ounce cans, of shrimp at Salt Lake City, Utah.

LABEL, IN PART: "Shady River Brand Wet Pack Small Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: June 27, 1950. Default decree of condemnation and destruction. On August 24, 1950, the decree of June 27, 1950, was modified to permit the return to the shipper of portions of the product which had been found to be good, upon payment of costs by the shippers. 43 cases were seized, and, of these, 17 cases and 4 cans were found to be good; the remainder was destroyed.

FRUITS AND VEGETABLES*

DRIED FRUIT

16485. Adulteration of dried black figs. U. S. v. 43 Cases * * *. (F. D. C. No. 29486. Sample No. 42516-K.)

LIBEL FILED: July 7, 1950, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about April 4, 1950, by Hunt Foods, Inc., Guggenheim Div., from Fresno, Calif.

PRODUCT: 43 30-pound cases of dried black figs at Milwaukee, Wis.

LABEL, IN PART: "Mission Choice Dried Black Figs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed figs.

DISPOSITION: August 10, 1950. Default decree of condemnation and destruction.

*See also Nos. 16451, 16452.

FRESH FRUIT

16486. Adulteration of apples. U. S. v. 800 Boxes * * *. (F. D. C. No. 29386. Sample No. 13924-K.)

LIBEL FILED: July 6, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 15, 1950, from Yakima, Wash.

PRODUCT: 800 bushel boxes of apples at Philadelphia, Pa.

RESULTS OF INVESTIGATION: This shipment of apples was trapped in a flood in West Virginia, en route, and became contaminated with flood water.

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained an added deleterious substance, flood water, which may have rendered the article injurious to health.

DISPOSITION: July 26, 1950. Default decree of condemnation and destruction.

VEGETABLES AND VEGETABLE PRODUCTS

16487. Misbranding of canned black-eyed peas. U. S. v. 267 Cases, etc. (F. D. C. No. 29333. Sample Nos. 67637-K, 75007-K.)

LIBEL FILED: June 1, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about February 28 and March 20, 1950, by the Arizona Canning Co., from Phoenix, Ariz.

PRODUCT: 414 cases, each containing 24 1-pound, 4-ounce cans, of black-eyed peas at Denver, Colo.

LABEL, IN PART: (Can) "Sun Vista Brand [or "Silver Band"] Black Eyed Peas."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned black-eyed peas since the definition and standard provides that the vegetable ingredient of canned black-eyed peas is the succulent vegetable, whereas the vegetable ingredient of the article was dried black-eyed peas.

DISPOSITION: August 2, 1950. The Arizona Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of altering the labels to display the word "dry" in equal prominence with the word "black-eyed peas," under the supervision of the Federal Security Agency.

16488. Adulteration of frozen spinach and frozen asparagus. U. S. v. 91 Cases, etc. (F. D. C. No. 29290. Sample Nos. 77341-K, 77342-K.)

LIBEL FILED: June 28, 1950, Southern District of Illinois.

ALLEGED SHIPMENT: On or about July 20 and September 17, 1946, from Seattle, Wash.

PRODUCT: 91 cases, each containing 12 3-pound packages, of frozen spinach, and 14 cases, each containing 36 12-ounce packages, of frozen asparagus at Springfield, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles were unfit for food by reason of their very objectionable odor and taste. The articles became adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 20, 1950. Default decree of condemnation and destruction.

16489. Adulteration of canned spinach. U. S. v. 89 Cases * * *. (F. D. C. No. 29247. Sample No. 75008-K.)

LIBEL FILED: May 26, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about April 12, 1950, by the Larsen Co., Green Bay, Wis.

PRODUCT: 89 cases, each containing 24 15-ounce cans, of spinach at Denver, Colo.

LABEL, IN PART: "Larsen's Freshlike Brand Cut Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms and worm parts; and, Section 402 (b) (2), wood and grass had been substituted in part for spinach.

DISPOSITION: July 6, 1950. Default decree of condemnation and destruction.

16490. Adulteration of Mexicorn. U. S. v. 289 Cases * * *. (F. D. C. No. 28657. Sample No. 14721-K.)

LIBEL FILED: January 16, 1950, Northern District of Indiana.

ALLEGED SHIPMENT: On or about August 25, 1949, by the Minnesota Valley Canning Co., from Montgomery, Minn.

PRODUCT: 289 cases, each containing 24 12-ounce cans, of Mexicorn at Michigan City, Ind.

LABEL, IN PART: (Can) "Niblets Brand Mexicorn Whole Kernel Corn Sweet Red and Green Peppers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: June 1, 1950. The Minnesota Valley Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. The segregation operations resulted in the destruction of 4 cases and 16 cans that were unfit.

TOMATOES AND TOMATO PRODUCTS*

16491. Adulteration and misbranding of canned tomatoes. U. S. v. 244 Cases * * *. (F. D. C. No. 28347. Sample No. 42945-K.)

LIBEL FILED: On or about December 15, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 8, 1949, by Kennard Food Products, Inc., from Kennard, Ind.

PRODUCT: 244 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at Chicago, Ill.

LABEL, IN PART: (Can) "Elna Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not a permitted ingredient of canned tomatoes.

*See also Nos. 16453, 16454.

DISPOSITION: August 14, 1950. Kennard Food Products, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

16492. Adulteration and alleged misbranding of tomato puree. U. S. v. Pleasant Hill Canning Co. and Garnet C. Amick. Pleas of not guilty; subsequently changed to guilty. Fine of \$1,200 against company and \$300 against individual. (F. D. C. No. 27483. Sample No. 42006-K.)

INFORMATION FILED: July 6, 1949, Southern District of Ohio, against the Pleasant Hill Canning Co., a partnership, Pleasant Hill, Ohio, and Garnet C. Amick, a partner.

ALLEGED SHIPMENT: On or about October 27, 1948, from the State of Ohio into the State of Illinois.

NATURE OF CHARGE: Count 1. Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

Count 2. Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; and, Section 403 (g) (2), it failed to conform to the definition and standard of identity for tomato puree in that it failed to bear a label bearing the name of the food specified in the definition and standard.

DISPOSITION: A motion for dismissal of the information was filed on behalf of the defendant, based on the grounds (1) that the partnership was not a legal entity and (2) that the defendant, Amick, was charged both in his capacity as a partner and as an individual, and was therefore being tried twice for the same offense. A motion to quash the misbranding charges in the information was filed also on the ground that there was no allegation that the article in package form was shipped for public consumption in the original containers. After consideration of the briefs of the parties, the court overruled the motions on or about January 11, 1950. A plea of not guilty was entered on behalf of the defendant on February 6, 1950, and on June 8, 1950, the case came on for trial.

Witnesses for the Government were heard on June 8 and 9, 1950, when the trial adjourned for the week end. When court reconvened on June 12, 1950, the defendants changed their pleas to guilty to count 1 of the information, after which, upon motion by the Government, count 2 was dismissed. On June 12, 1950, the court imposed a fine of \$1,200 against the partnership and \$300 against the individual.

MEAT AND POULTRY

16493. Adulteration of wild rabbits. U. S. v. Ozark Rabbit Co., a corporation, and Edward A. Biggs. Pleas of nolo contendere. Corporation fined \$300, plus costs; individual defendant fined \$3. (F. D. C. No. 29156. Sample Nos. 54464-K to 54466-K, incl.)

INFORMATION FILED: April 27, 1950, Western District of Missouri, against the Ozark Rabbit Co., Springfield, Mo., and Edward A. Biggs, vice president of the corporation.

ALLEGED SHIPMENT: On or about January 7, 9, and 10, 1950, from the State of Missouri into the State of Louisiana.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of fecal matter, and one shipment also consisted in part of a decomposed substance by reason of the presence of decomposed rabbits; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 5, 1950. Pleas of nolo contendere having been entered, the court fined the corporation \$300, plus costs, and the individual defendant \$3.

16494. Adulteration of dressed poultry. U. S. v. Indiana Farm Bureau Cooperative Assn., Inc., and Sam Martin. Pleas of guilty. Fine of \$200 against corporation and \$100 against individual. (F. D. C. No. 29190. Sample Nos. 8659-K, 15600-K.)

INFORMATION FILED: July 22, 1950, Southern District of Indiana, against Indiana Farm Bureau Cooperative Assn., Inc., Hayden, Ind., and Sam Martin, plant manager.

ALLEGED SHIPMENT: On or about October 3 and November 16, 1949, from the State of Indiana into the States of New Jersey and Michigan.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of emaciated birds; and, Section 402 (a) (5), the article was in part the product of a diseased animal, and also in part the product of an animal which had died otherwise than by slaughter.

DISPOSITION: August 10, 1950. Pleas of guilty having been entered, the court imposed a fine of \$200 against the corporation and \$100 against the individual.

NUTS

16495. Adulteration of cashew nuts. U. S. v. 210 Tins * * * (and one other seizure action). (F. D. C. Nos. 29241, 29242. Sample Nos. 35141-K, 35142-K.)

LIBELS FILED: May 24, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about December 30, 1949, from New York, N. Y.

PRODUCT: 345 25-pound tins of cashew nuts at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nuts, and of a decomposed substance by reason of the presence of moldy nuts. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 8, 1950. The Martin Donig Nut Co., San Francisco, Calif., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond to be brought into compliance with the law. The product was sorted, with the result that 38 tins of nuts were found unfit and were destroyed.

16496. Adulteration of peanuts. U. S. v. 78 Bags, etc. (F. D. C. No. 29219. Sample Nos. 77323-K, 77324-K.)

LIBEL FILED: May 16, 1950, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about November 11, 1949, and March 20, 1950, from Suffolk, Va.

PRODUCT: 85 100-pound bags of shelled peanuts at Danville, Ill., in possession of J. M. Young.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 5, 1950. J. M. Young, Danville, Ill., having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency.

When the segregation operations began, a total of 80 bags of nuts were on hand, of which 22 bags found to have no evidence of rodent-infestation were released. From the remaining 58 bags found to have rodent urine stains and gnawed holes, 99 pounds of contaminated nuts were removed and destroyed, and the remainder washed in scalding water, cooked in hot oil, and released.

16497. Adulteration of pine nuts. U. S. v. 2 Bags * * *. (F. D. C. No. 29275. Sample No. 71523-K.)

LIBEL FILED: June 13, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about May 23, 1949, by Kirk Bros., from Gallup, N. Mex.

PRODUCT: 2 75-pound bags of pine nuts at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

DISPOSITION: July 13, 1950. Default decree of condemnation and destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

16498. Adulteration of aniseed. U. S. v. 1 Drum * * *. (F. D. C. No. 29298. Sample No. 77603-K.)

LIBEL FILED: July 11, 1950, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 19, 1950, by Kearns & Smith Spice Co., Inc., from Chicago, Ill.

PRODUCT: 1 100-pound drum of aniseed at St. Louis, Mo.

LABEL, IN PART: "K & S Brand Whole Cyprus Aniseed."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (b) (2), rock fragments had been substituted in part for aniseed.

DISPOSITION: August 2, 1950. Default decree of condemnation and destruction.

16499. Adulteration of paprika. U. S. v. 2 Drums * * *. (F. D. C. No. 29336. Sample No. 81916-K.)

LIBEL FILED: June 5, 1950, Northern District of Georgia.

ALLEGED SHIPMENT: On or about April 24, 1950, by the Food Trading Corp. of America, from New York, N. Y.

PRODUCT: 2 100-pound drums of paprika at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments.

DISPOSITION: July 7, 1950. Default decree of condemnation and destruction.

16500. Adulteration of red pepper hulls in brine. U. S. v. 3 Barrels * * *. (F. D. C. No. 29353. Sample No. 79648-K.)

LIBEL FILED: June 6, 1950, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 24, 1950, by Basic Food Materials, Inc., from Federalsburg, Md.

PRODUCT: 3 barrels of red pepper hulls in brine at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 22, 1950. Default decree of condemnation and destruction.

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maple-----	16461	puree-----	16492
sorghum-----	16462	Vegetables. <i>See</i> Fruits and vegetables.	
Sorghum sirup-----	16462	Wheat-----	16468
Spices, flavors, and seasoning materials-----	16498-16500		

SHIPPIERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Amick, G. C.:		Franco's Self Service Market:	
tomato puree-----	16492	coffee-----	16455
Aneta Creamery & Produce Co.:		Hunt Foods, Inc., Guggenheim Div.:	
butter-----	16471	dried black figs-----	16485
Arizona Canning Co.:		Indiana Farm Bureau Cooperative Assn., Inc.:	
canned black-eyed peas-----	16487	dressed poultry-----	16494
Arrow Products Co.:		Kearns & Smith Spice Co., Inc.:	
saccharin tablets-----	16464	aniseed-----	16498
Basic Food Materials, Inc.:		Kennard Food Products, Inc.:	
red pepper hulls in brine-----	16500	canned tomatoes-----	16491
Biggs, E. A.:		Kentucky Chemical Industries, Inc.:	
wild rabbits-----	16493	dairy feed-----	16475
Blue Sea Fish Co., Inc.:		Killeas, J. J.:	
frozen rosefish fillets-----	16480	butter-----	16470
Bremco Alfalfa Mills, Inc.:		Kirk Bros.:	
alfalfa meal-----	16474	pine nuts-----	16497
Clayton, S. C., Co., Inc.:		Kramer, J. R., Inc.:	
cane and maple sirup-----	16459	butter-----	16471
Crane, B. C.:		Lancaster Seafoods, Inc.:	
candy-----	16457	crab meat-----	16481
Crane Candy Co. <i>See</i> Crane, B. C.		Larsen Co.:	
Deepsouth Packing Co.:		canned spinach-----	16489
canned shrimp-----	16484	Lovelace Candy Co.:	
Degraff Packing Co.:		stick candy-----	16458
tomato juice-----	16454	McClain, R. R.:	
Dryden, J. H.:		sorghum sirup-----	16462
oysters-----	16482	Marblehead Lime Co.:	
Dryden Bros. Seafood Co., Inc.:		mineral and vitamin feed-----	16478
oysters-----	16482	Martin, Sam:	
Farmers Creamery Co. <i>See</i> Killeas, J. J.		dressed poultry-----	16494
Fisch, Harold:		Meyer, Fred:	
peach nectar-----	16452	butter-----	16472
Food Trading Corp. of America:			
paprika-----	16499		

	N. J. No.		N. J. No.
Miller, F. G.:		Sansaw Products, Inc.:	
butter-----	16470	canned orangeade-----	16451
Minnesota Valley Canning Co.:		Sifers, E. I.:	
Mexicorn-----	16490	candy -----	16456
Nampa Creamery Co.:		Sifers Chocolate Syrup Co., Inc.:	
butter-----	16472	candy -----	16456
Northern Colorado Dairy Co.:		Skrmetta Seafood Co.:	
Cheddar cheese-----	16473	canned shrimp-----	16484
Ozark Rabbit Co.:		Smith, H. A.:	
wild rabbits-----	16493	oysters-----	16483
Pleasant Hill Canning Co.:		Steed, Ward:	
tomato puree-----	16492	animal feed (ground phosphate rock)-----	16476
Poppe, A. H.:		Thompson-Hayward Chemical Co.:	
alfalfa meal-----	16474	vitamin feeding oil-----	16479
Provico Feeds & Concentrates. <i>See Kentucky Chemical In- dustries, Inc.</i>		Titusville Dairy Products Co.:	
Pure Foods Corp.:		sugar-----	16463
peach nectar-----	16452	Tri Foods:	
Rice Growers Assn. of California:		animal feed-----	16477
rice-----	16467	Vienna Model Bakery, Inc.:	
Robbins Ranch:		bakery products-----	16465
wheat-----	16468	Virginia Syrup & Candy Corp.:	
St. Marys Packing Co.:		cane and maple sirup-----	16460
tomato juice-----	16453	Young, J. M.:	
		peanuts-----	16496

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